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नई दिल्ली, शनिवार, अक्टूबर २३, १९६५/कार्तिक १, १८८७

No. 43]

NEW DELHI, SATURDAY, OCTOBER 23, 1965 / KARTIKA 1, 1887

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

नोटिस

NOTICE

नीचे लिखे भाग के असाधारण राजपत्र १३ अक्टूबर १९६५ तक प्रकाशित किए गए।

The undermentioned Gazettes of India Extraordinary were published up to the 13th October, 1965:—

Issue No.	No. and Date	Issued by	Subject
250	S.O. 3156, dated 6th October, 1965.	Ministry of Commerce.	Appointment of a body of persons for making a full investigation into the circumstances in the fall of production of India United Mills, Bombay.
251	S.O. 3157, dated 7th October, 1965.	Delimitation Commission.	Corrigendum to notification No. 282/63 (2), dated 18th September, 1965.
252	S.O. 3158, dated 7th October, 1965.	Ministry of Finance	The Emergency Risks (Goods) Insurance (Fifth Amendment) Scheme, 1965.
	S.O. 3159, dated 7th October, 1965.	Do.	The Emergency Risks (Factories) Insurance (Fifth Amendment) Scheme, 1965.
253	S.O. 3160, dated 7th October, 1965.	Ministry of Law	Declaration regarding Bye-election to Council of States by the elected members of the Orissa Legislative Assembly
254	S.O. 3161, dated 7th October, 1965.	Ministry of Commerce.	Further amendment to the Exports (Control), Order, 1962.

Issue No.	No. and Date	Issued by	Subject
255	एस० ओ० 3162, दिनांक उच्चोग तथा संभरण 8 अक्टूबर 1965	मंत्रालय	केन्द्रीय सरकार श्री यु० एन० राय, प्रबन्ध निदेशक, विहार गज्य श्रीचौ- गिक विकास निगम को हिन्दुस्तान विलिंग्स लि० पटना का प्रबन्धक नियुक्त करनी है।
256	S.O. 3163, dated 9th October, 1965.	Ministry of Information and Broadcasting.	Approval of films specified therein.
257	S.O. 3164, dated 9th October, 1965.	Ministry of Finance	Appointing 15th October, 1965 on which Companies (Amendment) Act, 1965 shall come into force except the provisions of sections 13 and 46.
258	S.O. 3165, dated 11th October, 1965.	Ministry of Commerce.	Notifying that Flash Lights shall be subject to quality control and inspection prior to export.
259	S.O. 3166, dated 11th October, 1965.	Do.	Recognition of the Indian Standards Institution Certification Mark with respect to Flash Lights.
260	S.O. 3250, dated 13th October, 1965.	Ministry of Steel and Mines.	The Scarce Industrial Materials (Control) Order, 1965.

उमर लिखे असाधारण गजटों की प्रतियां प्रकाशन प्रबन्धक, मिश्रिल लाइन्स, दिल्ली के नाम
मांगपत्र भेजने पर दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से
10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on
indent to the Manager of Publications, Civil Lines, Delhi. Indents should be
submitted so as to reach the Manager within ten days of the date of issue of
these Gazettes.

भाग II—संण्डू 3—उपरवण्डू (ii)

PART II—Section 3—Sub-section (ii)

(राजा मंशासप को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज प्रशासन को छोड़कर)
संघीय प्राधिकरणों द्वारा जारी किए गए विधिक आनंदा और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 7th October 1965

S.O. 3254.—In pursuance of the clause (b) of sub-section (6) of section 116A of
the Representation of the People Act, 1961, the Election Commission hereby publishes
the decision of the High Court of Judicature at Patna given on the 21st
September, 1965, on an appeal from the order dated the 11th January, 1965, of the
Election Tribunal, Patna.

ELECTION APPEAL No. 1 OF 1965

From a decision of Mr. P. K. Sarkar, Member, Election Tribunal, Patna dated the 11th January, 1965.

Shri Ramashray Prasad Choudhary—Appellant.

Versus.

Babu Satya Narain Sinha and others—*Respondents*.

For the Appellant—Messers Ramakant Verma & Chandra Kanogha

For the respondents—Messers Kanhiya Prasad Verma, Kamala Kant Prasad, Jugleshwar Prasad Sinha and Jagat Narain Prasad Sinha.

PRESENT :

The Hon'ble Mr. Justice U. N. Sinha

The Hon'ble Mr. Justice Tarkeshwar Nath

The 21st September, 1965.

U. N. SINHA, J.—This appeal has been filed under section 116A of the Representation of the People Act, 1951 (Central Act No. 43 of 1951). The appellant was one of the candidates who had been defeated in an election to the Lok Sabha (House of the People) from a constituency known as 16 Samastipur Parliamentary Constituency, in the district of Darbhanga in this State. The election had been held in February, 1962, in which respondent no. 1 had been declared to have been elected. The appellant had called in question the election by presenting an election petition under section 80 and 81 of the Representation of the People Act, 1951 (henceforth to be called the Act), which petition has been dismissed by the Election Tribunal, by its order dated the 11th January, 1965. It may be stated at this stage that the appellant had not only prayed for a declaration that the election of respondent no. 1 was void, he had also prayed that he or any of the other defeated candidates may be declared to have been duly elected. That prayer has also been refused.

2. For the election in question, six candidates had filed nomination papers, out of whom the appellant and respondents no. 1 to 3 had contested the election. The other two persons, namely, Sri Hemant Kumar Choudhary (son of the appellant) and Sri Rajeshwar Patel had withdrawn their candidatures. These two persons had, however, been impleaded as respondents in the election petition as respondents no. 4 and 5, but upon the prayer of the petitioner-appellant, the name of Sri Rajeshwar Patel was struck off by the Tribunal. Sri Hemant Kumar Choudhary remained a party and he has been impleaded as respondent no. 4 in this appeal. In the election case before the Tribunal all the respondents to this appeal had filed written statements, except respondent no. 3. Respondent no. 2 had not contested the case after filling his written statement. The written statement of respondent no. 4, the son of the appellant, had in fact supported the case of the appellant and the contest before the Tribunal was between the appellant and respondent no. 1.

3. Polling was held on the 18th, 21st, 23rd and 25th February, 1962, and ultimately, respondent no. 1 was declared elected. The votes polled were as follows:—

(1) Respondent no. 1 (a candidate of the Congress Party) had obtained	82,522 votes
(2) Respondent no. 2 (a candidate of the Praja Socialist Party) had obtained	60,972 votes
(3) The appellant (a candidate of Swatantra Party) had obtained	45,411 votes
(4) Respondent no. 3 (a candidate of the Socialist Party) had obtained	9,991 votes.

4. Broadly speaking, the grounds on which the election was originally challenged were that certain corrupt practices had been committed by respondents no. 1 and 2 and their workers and agents, as mentioned in the various paragraphs of the election petition and as given in some detail in Annexures A to E of that petition. Furthermore, it was alleged in paragraph 13 of the original election petition that secrecy of ballot had not been maintained, and it was alleged in paragraph 18 of the petition that the accounts submitted by respondents no. 1 and 2 were incorrect and respondent no. 1 had spent more money over the election than what

was permissible under the law. According to the petitioner appellant, the result of the election of respondent no. 1 had been materially affected by corrupt and illegal practices committed by respondents no. 1 and 2, through their agents, to their knowledge and with their connivance. I have purposely used the expression "originally" here, the meaning of which will be clear presently. After the election petition had been sent to the Election Commission in April 1962, respondent no. 1 filed his written statement on the 17th August, 1962. Thereafter, on the 28th August, 1962, Sri Rajendra Mahton (respondent no. 2), Sri Hemant Kumar Choudhary (respondent no. 4), and Sri Rajeshwar Patel filed their written statements. Amongst the objections taken by respondent no. 1 in his written statement, it has mentioned that many of the allegations made in the election petition were vague and baseless. It was also stated that the names of the persons who were said to have taken active parts in various ways on behalf of respondent no. 1 had not been disclosed and the particulars set forth in Annexures A to E were termed as vague, baseless and false. The election petition was challenged as not being in accordance with section 83 of the Act. Two other specific objections were also taken as follows. In paragraph 9 it was stated that several wild allegations of corrupt practice had been made against this respondent, but the election petition was not accompanied by a proper affidavit required by the mandatory provision of section 83 of the Act. In paragraph 10 it was stated that the election petition with the annexures should be dismissed on the ground that neither the petition nor the annexures are signed and verified as required by section 83. In spite of such objections having been taken by respondent no. 1 in August, 1962, regarding the vagueness and want of necessary details in the election petition and its annexures, nothing further was done on behalf of the appellant upto the 10th September, 1962, when the following issues were framed by the Tribunal:—

- (1) Is the election petition liable to be dismissed u/s 90(3) of the R. P. Act, 1951 because of noncompliance with the provisions of sections 81 and 82 of the said Act?
- (2) Does the petition comply with the provisions of section 83 of the R. P. Act, 1951. If not, has the Tribunal jurisdiction to enquire into the allegations of corrupt practices in the petition and the annexures thereto?
- (3) Did the respondent no. 1, his workers and agents commit the corrupt practices under sub-sections (1), (2), (3), (3A), (4), (5), (6) and (7) of section 123 of the R. P. Act, 1951 as alleged in the election petition or the annexures thereto. If so, was the result of the election materially affected thereby?
- (4) Did respondent no. 1 keep correct account of all expenditure incurred and authorised by him or by his election agent in connection with the election? Did the total of the said expenditure exceed the prescribed amount?
- (5) Was there any infringement of the provisions of Constitution of India in relation to the maintenance of secrecy of ballot or non-compliance with the provisions of sections 125, 126, 127, 127(A), 128, 129, 130, 131 and 132 of the R.P. Act 1951 in this election?
- (6) Is the petitioner entitled to be declared duly elected from this constituency? To what relief, if any, is the petitioner entitled?

The 3rd October, 1962 was fixed for the hearing of preliminary issues No. (1) and (2) and on that day, the appellant applied for adjournment on the ground that he would give further details and the case was adjourned to the 16th October, 1962. On this date the appellant filed three petitions. One of these petitions stated that as respondent No. 1 had taken objections in his written statement that the particulars given by the petitioner in his original election petition were vague, amplifications of the corrupt practices were being supplied to remove the vagueness, if any. Fresh Annexure A to F were supplied with this petition, giving various details and praying that original Annexures A to E may be replaced by these new Annexures A to F. Annexure F filed at this stage elaborated the point taken by the appellant in paragraph 18 of the original election petition in respect of the account of expenses supplied by respondent No. 1. The second petition filed on the same day was to meet the objection made by respondent No. 1 regarding the verification of the original election petition. It was mentioned in this petition that due to inadvertence etc. the election petition and the annexures had not been correctly verified and a supplementary verification was being filed with this petition. The third petition was in reply to the objection taken in respect of the affidavit made in support of the original petition alleging corrupt practices. It was mentioned that the form prescribed and published in

the India Gazette dated the 27th February, 1962, was not available to the petitioner and, therefore, a fresh affidavit may be accepted. On the 23rd October, 1962, respondent No. 1 filed a rejoinder objecting to the main amendment petition filed by the appellant on the 16th October, 1962, mentioned above, and it was contended in this rejoinder that the so-called petition for amendment was virtually a separate election petition with fresh materials and allegations. It was also contended that in the garb of amendment the appellant had introduced new allegations and had to a great extent altered his case. Specific objections were taken with respect to the new Annexure B introduced subsequently, making allegations against the election agent of respondent No. 1. The additions made in the new Annexures C and D were also objected. On the same day respondent No. 1 filed two other rejoinder petitions against the other two petitions filed by the appellant on the 16th October, 1962. One of these rejoinders objected to the fresh verification of the election petition and the annexure supplied by the petitioner-appellant. It was mentioned therein that the fresh verifications may be rejected as there was no provision in law for the substitution of verifications. The third rejoinder was directed against the amendment of the affidavit portion in the original election petition. Here also, it was contended that there was no provision in law for supplying fresh affidavit. It was mentioned in this rejoinder that issues having been already framed, the fresh affidavit rectifying the mistakes ought not to be accepted.

5. The first two preliminary issues framed by the Tribunal were taken up along with the three petitions filed by the appellant on the 16th October, 1962, and the rejoinders filed by respondent No. 1 and these matters were decided on the 29th November, 1962. [The whole of this order has been incorporated in paragraphs 10 to 29 of the order under appeal]. In substance, the amendments prayed for by the appellant were allowed and the objections of respondent No. 1 rejected. Old Annexures A to E were allowed to be substituted by new Annexure A to E, except item No. 3(k) of new Annexure D. Annexure F, newly introduced, was accepted as part of the election petition. In due course, respondent No. 1 had filed a fresh written statement on the 4th July, 1963, controverting the fresh allegations also.

6. In view of the arguments advanced by the learned counsel for the parties in this Court, upon the vagueness of the original election petition and its annexures and upon the subsequent amendments allowed by the Tribunal, the materials which are relevant are being mentioned here, Paragraph 6 of the election petition dealing with speeches said to have been delivered by respondents No. 1 and 2 etc. runs thus:—

“6. That during the election the respondent No. 1 and respondent No. 2 their workers and party members made speeches falsely indicating the Swatantra Party as a party of Rajas and Maharajas and Zamindars trying to take back the Zamindary and establish their tyrannical rule over the tenantry respondent No. 1 and his workers and partymen exhorted to Muslim voters inhabiting the constituency to vote for the congress on the ground that they are only safe in the hands of the Congress. They also canvassed vote on the ground of casteism. On many different occasions they also delivered speeches making false imputation to the Swatantra Party as also to this petitioner. The instances, date, time and persons making speeches are enumerated in Annexure A hereinbelow annexed.”

The original Annexure A, mentioned in this paragraph, was not in great detail. The new Annexure A supplied various details as well as introduced certain new matters. For instance, it has been mentioned in new Annexure A that respondent No. 1 had delivered speeches in village Mirzapur and village Panr on the 11th February, 1962, which matter had not been mentioned in the old annexure at all. Paragraph 7 of the original election petition runs thus:—

“7. That the congress party workers agents of respondent No. 1 distributed to the knowledge and connivance of the respondent No. 1 leaflets casting benious (sic) and false aspersions on the character of this petitioner and made false imputations against this petitioner's whole family. Instances of such leaflets are enumerated (sic) in Annexure B hereinbelow annexed.”

Old Annexure B was in the following terms:—

“ANNEXURE B

1. Kisanpur (sic) Majdoor Bhaiyo Sabdhan by thana Congress Committee Delsinghsarai printed by Pravat Press Samastipur.

2. Kalka Kukarmi as (sic) Sadhu ke vesh me by Dalsingsarai ke khista (sic) ka Nagrik.
3. Babu Satyanarain Singh se meri koi Sikayat Nahi by Sibnandan Singh Pagra printed by Prabhat Press Samastipur and many others."

In the amendment petition filed on the 16th October, 1962 it was mentioned that new Annexure B was being supplied in place of the old Annexure B, the second item of which made reference to the printing and publishing of the leaflet called "Kal Ka Kukarmi Aaj Sadhu Ke Vesh Men" in the following terms:—

- (2) Kal Ka Kukarmi Aaj Sadhu Ke Vesh Me by Dalsingsarai Ke Khestra Ke Nagrik printed at Shankar Press, Patna and published at the instance of Sri Satyanarain Singh and his election Agent Sri P. P. Singh and distributed on his behalf and which does not bear the name and address of the Press, Printer and Publisher, Original attached herewith."

Then, as against this item in new Annexure B, various details were given as to the persons who had distributed these leaflets, mentioning the places where they were distributed and the dates of distribution. The next series of allegations made in the original election petition are given in paragraph 10, which thus:—

10. That the voters were given temptations to vote for respondent No. 1. And one such temptation was given to voters at village Chandaurai in Dalsinghearai P.S. where respondent No. 1 promised to have a bridge over river Baluahi constructed. And in fulfilment (sic) to that premise respondent No. 1 laid down the foundation stone of the bridge on 8th February 1962 and addressed a large meeting requesting electorate to vote for him as he would construct the bridge at his own cost. And other inducements offered by respondent No. 1 or on behalf of respondent No. 1 are enumerated (sic) in Annexure D hereinbelow annexed".

Original Annexure D was not very elaborate, and item No. 2 of this annexure was in respect of bribery to Harijans for giving votes to respondent No. 1 on the 17th, 20th, 22nd and 24th night of February, 1962, by respondent No. 1, his election agent and his polling agents. Further details of the bribe-givers have been mentioned in the substituted Annexure D. The extent of the suppressed account of respondent No. 1 was mentioned in Annexure P, giving details of expense said to have been incurred by him and not shown in the accounts.

7. Out of the various allegations pressed before the Tribunal, the five items urged in this Court cover the following subjects:—

- (a) Appeal by respondent No. 1 on the ground of caste, made by speeches, as mentioned in paragraph 6 of the election petition and in substituted Annexure A.
- (b) The printing and distribution of an objectionable leaflet in Hindi, a copy of which has been marked as Exhibit 2 (an English translation of which was marked as Exhibit 2-1), as alleged in paragraph 7 of the election petition and in substituted Annexure B.
- (c) A promise said to have been made by respondent No. 1 on the 8th February, 1962 for building a bridge on river Baluahi at his own expense, covered by the first part of paragraph 10 of the election petition and mentioned in new Annexure D for the first time.
- (d) Some other inducements said to have been offered on behalf of respondent No. 1, succinctly mentioned in the second half of paragraph 10 of the election petition and enumerated in the substituted Annexure D, including undue influence exercise upon the Muslim voters at some places on the 11th February, 1962, touched upon in paragraph 6 of the election petition and referred to for the first time in new annexure A.

- (a) Suppression of expenses incurred by respondent No. 1 in the election.

8. Learned counsel for respondent No. 1 has taken some preliminary objections based on section 83 and sub-sections (3) and (5) of section 90 of the Act. In order to appreciate these arguments, the relevant provisions of law are quoted below:—

"83. (1) An election petition:—

- (a) shall contain a concise statement of the material facts on which the petitioner relies,

- (b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
- (c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition."

Section 90.

"(3) The Tribunal shall dismiss an election petition which does not comply with the provisions of section 81, or section 82 notwithstanding that it has not been dismissed by the Election Commission under section 85.

Explanation.—An order of the Tribunal dismissing an election petition under this sub-section shall be deemed to be an order made under clause (a) of section 98."

"(5) The Tribunal, may, upon such terms as to costs and otherwise as it may deem fit allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition".

The first contention is that the Tribunal was in error in permitting the appellant to change the verifications of the election petition originally made, as required by section 83(1)(c) of the Act. It appears that the original election petition was verified twice, once after the prayer portion and again after Annexure E, and both the verifications were in the following terms:—

"I, Ramashray Prasad Choudhary do hereby declare that the above statements of this petition are true to the best of my knowledge and information."

According to the learned counsel for the respondent No. 1, these verifications were not in accordance with law, and the Tribunal could not have permitted the appellant to verify the original election petition and the annexures attached to the original petition afresh, as was the appellant's prayer in one of the petitions filed on the 16th October, 1962, mentioned above. It is then argued that the affidavit originally made in support of the allegations of corrupt practice, in the original election petition, which was in the following terms:—

"I, Ramashray Prasad Choudhary, son of Chhatradhari Choudhary, decd. of village about P.O. Kamta, of Darbhanga District aged about 66 years do hereby solemnly affirm as follows:—

1. That I am the applicant in this case.
2. That the contents of this election petition are true to the best of my knowledge, information and belief."

was also not in accordance with the requirements under the law and the Tribunal was in error in accepting the appellant's prayer made by another of his petitions filed on the 16th October, 1962, for filing a fresh affidavit in support of the original petition. According to learned counsel for respondent No. 1, there is no provision in the Act by which a Tribunal can allow a petitioner, who has filed an election petition, to amend his verifications and affidavits and to supply fresh verifications and affidavits. I do not think there is merit in any of these contentions. Section 90(3), as it now stands, after the latest amendment by Act 40 of 1961, states that the Tribunal shall dismiss an election petition which does not comply with the provisions of section 81 or section 82. The power given to the Tribunal by this provision does not authorise the Tribunal to dismiss an election petition, forthwith, if the petition is not strictly in accordance with section 83(1) of the Act.

Every election petition has to be tried by the Tribunal, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure to the trial of suits, subject to the provisions of this Act and of any rule made thereunder, and the learned counsel for respondent No. 1 has failed to show what stands in the way of the Tribunal permitting a petitioner before it to amend the verification or the affidavit, required under section 83 of the Act. After the fresh verification and the fresh affidavit had been filed by the appellant, respondent No. 1 had enough opportunity to reply and when the entire case has been decided on evidence, adduced by the parties, no prejudice has been suffered by respondent No. 1 by the Tribunal allowing the appellant to amend the original verifications and the original affidavit filed with the original election petition. Learned counsel for the appellant has drawn our attention to a decision of the Supreme Court in the case of *Murarka Radhey Shyam Ram Kumar v. Roop Singh Rathore and others* [(Civil Appeals No. 30 and 31) of 1963, decided on the 7th May, 1963] in which it has been held that the Election Tribunal is empowered to allow defects in verification and affidavit to be remedied in appropriate cases. This decision fully meets the contentions of the learned counsel for respondent No. 1. Reading the two petitions filed by the appellant on the 16th October, 1962, supplying fresh verifications and fresh affidavit, it is clear that no question of amendment actually arose. What was done was that fresh and clear verifications and affidavit required by law were supplied. A Bench decision of this Court in the case of *Mahesh Prasad Sinha v. Manjay Lal and others* (A.I.R. 1964 Patna 53) presided over by Ramaswami, C.J., (as he then was) has categorically held that the original defects, if any, in the affidavit, can be remedied by filing another affidavit in the prescribed form after removing the defects. It has been held that the provisions of section 83 of the Act are directory and not mandatory. The same view has been taken, in the case of *Brij Mohan Das Agarwal v. Z. A. Ahmad and others*, reported in A.I.R. 1964 Allahabad 523. The practice to be followed in cases where insufficient particulars of corrupt practice are given in an election petition, has been stated by the Supreme Court, in the case of *Balwant Singh v. Lakshmi Narain*, reported in A.I.R. 1960 Supreme Court 770, where their Lordships have stated that if the Tribunal upholds an objection to the effect that full particulars of an alleged corrupt practice are not set out in the election petition, the Tribunal should give opportunity to the petitioner to apply for leave to amend or amplify the particulars alleged. After the amendments have been allowed by the Tribunal and evidence led on behalf of both sides, the real question to be determined is whether any prejudice has been caused to the contestant of the election petition. Even if sufficient particulars are not given in the election petition and evidence is led by the petitioner and is met by the contestant, the question becomes one of material prejudice. Their Lordships of the Supreme Court have said so in the case of *Balwant Singh* just now referred to. The same view was taken by the Supreme Court in the case of *Bhagwan Datta Shastri v. Ram Ratanji Gupta*, reported in A.I.R. 1960 Supreme Court 200. The decisions of the Supreme Court reported in A.I.R. 1960 Supreme Court 200 and A.I.R. 1960 Supreme Court 770 have recently been considered by this Court in the case of *Bhupendra Narain Mandal v. Ek Narain Lal Das*, reported in A.I.R. 1965 Patna 332. It has been held therein that when the parties have gone to trial, the only question that can thereafter arise is whether by reason of the absence of full particulars any material prejudice has been caused or not. In the instant case, by the amendment the appellant had given various particulars, and respondent No. 1 had opportunity to meet such particulars, and in my opinion, the case has now to be adjudged on the evidence on record.

9. Then, it is contended by learned counsel for respondent No. 1 that the details of corrupt practice which had been supplied by the appellant in new Annexures A and B and which were not given in the original Annexures A and B, could not have been permitted to be supplied by the Tribunal, in view of section 90(5) of the Act. According to the learned counsel, only those particulars of a corrupt practice which had been mentioned in the original election petition could be amended or amplified, but no fresh particulars could be permitted to be added. Reliance is placed on the bar mentioned in the last half of section 90(5) in the following words:—

“but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.”

What the learned counsel means is that introduction of particulars not previously alleged in the election petition is entirely prohibited. Having considered this aspect of the matter also, I am of the opinion that the contentions raised by learned counsel for respondent No. 1 are not valid. It appears that the meaning of

section 90(5) is that the Tribunal shall not allow such amendment which will have the effect of introducing a corrupt practice not previously alleged in the petition. That is to say, the emphasis is on the words, "a corrupt practice not previously alleged", and not on the words, "particulars of a corrupt practice". According to learned counsel for respondent No. 1, his contentions are based on the fact that the provisions of law corresponding to section 90(5) was incorporated in section 83(3) of the original Act, and by bringing this matter in section 90(5) the power of the Tribunal has been curtailed, so that no new particulars not alleged in the original petition, can be brought in my amendment. For the sake of comparison with the present section 90(5) of the Act quoted above, the old section 83(3) is quoted below:—

"83. Contents of petition:—

(3) The Tribunal may, upon such terms as to costs and otherwise as it may direct at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may in its opinion be necessary for the purpose of ensuring a fair and effectual trial of the petition."

Whatever may be the change in the actual words used in old section 83(3) and the new section 90(5), in my opinion, the arguments advanced by the learned counsel for respondent No. 1 are not sound. In case of *Sangappa and others v. Shivamurti Swamy and others*, reported in A. I. R. 1958 Mysore 120, which was a case after section 90 was amended by Act 27 of 1956, a point identical to what has been raised by learned counsel for respondent No. 1 in this case, with respect to the meaning of the word "particulars", was rejected. Their Lordships of the Mysore High Court equated the expression "particulars" with the word "instances". The contention made before the Mysore High Court that only the particulars already given could be amplified was not accepted. With respect to the further contention that the words "not previously alleged in the petition", governed the word "particulars", it was held that the contention was not valid and that the words "not previously alleged in the petition" referred to "corrupt practice" and not to "particulars". In my opinion, the interpretation given by the Mysore High Court ought to be accepted in this context. The power of the Tribunal to permit a petitioner before it to amend his petition has been dealt with recently by their Lordships of the Supreme Court, in the case of *Amin Lal v. Kuhna Lal*, reported in A.I.R. 1965 Supreme Court 1243. "Corrupt practices" according to section 123 of the Act include a lot of things, such as bribery, undue influence, publication of a leaflet, attacking the character or conduct of a candidate, hiring or procuring of vehicles and other matters enumerated in that section. It is open to a defeated candidate to challenge an election of a successful candidate on any of the grounds mentioned in section 123. If a petitioner alleges bribery as a ground for challenging an election, he cannot turn round and give particulars of the publication of an objectionable leaflet by filing subsequently a petition for amendment of the original application, and this kind of amendment cannot be permitted under section 90(5) of the Act; but, on the other hand, further particulars and instances of bribery can be given by way of amendment. In other words, there are different categories or heads of corrupt practices under section 123 and if a petitioner chooses to bring his case under one category or head in the original application, he cannot be allowed to shift his ground and furnish particulars of another category as that would amount to a complete change of his case. Section 90(5) would be a bar to this kind of amendment. Judging the present case from this point of view, the petitioner-appellant was fully justified in giving further particulars and instances of the corrupt practices in the petition filed on the 16th October, 1962. The contention of learned counsel for respondent No. 1, that, the view taken by their Lordships of the Supreme Court in the case of *Harish Chandra Bajpai v. Triloki Singh* reported in A.I.R. 1957 Supreme Court 444 is no longer available, after the new section 90(5) has come into existence, is not valid as has been explained in the case of *Amin Lal* (A.I.R. No. 1965 S.C. 1243). In the result, all the preliminary objections taken by learned counsel for respondent No. 1 for holding that the election petition originally filed by the appellant ought to fail, must be rejected.

10. [It will appear from this stage that I have referred to two persons, namely, Sri Purshottam Prasad Singh and Sri Hemant Kumar Choudhary, as Banwari Babu and Hemant Babu respectively. Such reference has been made, because many of the witnesses have referred to Sri Purshottam Prasad Singh alias Banwari Babu and Sri Hemant Kumar Choudhary as Banwari Babu and Hemant Babu respectively.]

11. Although the preliminary objections of the learned counsel for respondent No. 1 have been negative, some other contentions of his require consideration. It is argued by him that, assuming that new Annexures A to F remain on record for consideration, the fact that details had only been brought out by the amendment petitions filed on the 16th October, 1962, should go to show the falsity of the facts about which evidence has now been adduced. It is contended that if Hemant Babu had come to know about the distribution of leaflets by Banwari Babu on the 22nd February, 1962, as is the appellant's case, such an important fact could not have been omitted to be mentioned in Exhibit 5, filed by Hemant Babu, on the 23rd October, 1962. It is urged that part from this, it is the appellant's case that many material facts regarding distribution of the leaflets had been brought to the notice of Hemant Babu from the 23rd February onwards, and if this case be true, these facts would certainly have been mentioned in the election petition filed in this case and in the original annexures. With respect to the facts and circumstances as to how Hemant Babu had come across a copy of the leaflet for the first time, I shall deal with the matter hereafter as a separate chapter. But, the other contentions of the learned counsel for respondent No. 1 regarding absence of details as to printing and distribution of these leaflets by Banwari Babu and others, in the election petition and in the original annexures, cannot be said to be without force. For instance, Hemant Babu (P.W. 124) has deposed thus:—

"From 23rd February 1962 onwards I got information that Banwari Babu had distributed such leaflets at several other villages, namely, Mustafapur, Kalyanpur, Bhibutinpur, Sakhmohan and others, beginning from 17th February 1962. On 25th February 1962 such leaflets had also been distributed at Gohi, Brahgama. I also got information that Baleshwar Ram, Jagdish Choudhary, Bhola Pd. Choudhary, Kapildeo Choudhary, Makhan Lal Surekha, Satyapal Mishra, Damodar Choudhary, Gowarchan Bhai Patel, Ramskant Mishra and Sitaran Pankaj had distributed such leaflets at different villages, on 21st February 1962 Banwari Babu had distributed such leaflets at Samastipur as I learnt."

Whatever may be the reason for omission of details in Exhibit 5, filed by Hemant Babu on the 23rd February, 1962, a matter to be dealt with later, the evidence of Hemant Babu, quoted above, leads to an inference that soon after the alleged distributions ending on the 25th February, 1962, very many details had been brought to his notice. Under these circumstances, it is difficult to understand why only bare facts had been mentioned in paragraph 7 of the election petition without giving any particulars at all. If Hemant Babu had been informed from the 23rd February, 1962 onwards, that Banwari Babu had distributed objectionable leaflets in several villages, beginning from the 17th February, it is difficult to understand why the name of such an important person was not mentioned in the election petition. Banwari Babu was son of respondent No. 1 and he was the candidate's election agent. In paragraph 13 of the election petition it has been specifically mentioned that Sri Purshottam Prasad Singh, i.e. Banwari Babu the election agent of respondent No. 1 and others used to canvass before the voters. One would have expected, if the appellant's case be true, that in paragraph 7 also, mention of the distribution of leaflets by the election agent of respondent No. 1 would have been made. According to Hemant Babu, further, he had received information that Sri Baleshwar Ram had also distributed these objectionable leaflets in different villages. At that time, Sri Baleshwar Ram was a Parliamentary Secretary in the Government of Bihar, and he was a candidate for the State Assembly. The name of such a person could hardly have been omitted in paragraph 7 of the election petition, if the appellant's case be true. Old Annexure B (item No. 2) did not mention about distribution by any particular person or persons, on any particular day or days, in any particular place or places. Such omissions, again, can hardly be taken to be reasonable, in view of the evidence now adduced in the case. Moreover, neither in paragraph 7 nor in old Annexure B, any reference was made as to how the leaflets were printed. For the first time, on the 16th October, 1962. It was mentioned in new Annexure B, that the leaflets were printed at Shanker Press, Patna. It has not been explained when Hemant Babu had come to know about the printing of those leaflets, for the first time. Then, our attention has been drawn to the verifications of the election petition and the old Annexures and to the affidavits supporting the old Annexures and to the fresh verifications and affidavits supplied later on. It is also argued by learned counsel for respondent No. 1, that the new verifications and the affidavit also falsify the appellant's case. The following has been relied upon. In both of the original verifications the appellant had declared that the statements verified were "true to the best

of my knowledge and information". No further details had been given. In the new verifications supplied on the 16th October, 1962, the appellant declared that the statements made in paragraph 7 of the election petition were "true to my knowledge as well as information received from Shri Hemant Kumar Choudhary, my election agent as well as other electors of the constituency and I believe the same to be true". According to learned counsel for respondent No. 1, it is not the appellant's case on evidence that the statements made in paragraph 7 of the election petition were based on any personal knowledge of the appellant. Evidence has been led to show that the statements contained in that paragraph could only have been based on information received from Hemant Babu. Thus, it is argued that the entire case of the appellant is untrue. With respect to the affidavit filed originally, the appellant had stated that "the contents of this election petition are true to the best of my knowledge, information and belief". Our attention has been drawn to the fresh affidavit supplied on the 16th October, which stated that the statements made in paragraph 7 of the election petition about the commission of the corrupt practice of publication of false statement of fact about the personal character of the appellant, particulars of such corrupt practices being mentioned in Annexure B, item 2, are true to the knowledge of the appellant. It is urged that this affidavit is also incorrect, because according to the appellant's case now, he could not have any personal knowledge about the commission of corrupt practice mentioned in paragraph 7 of the election petition. The overall argument of the learned counsel for respondent No. 1 is to the effect that reading the election petition, the old annexures and the new annexures, it is clear that the original case of the appellant was to the effect that the statements made in paragraph 7 of the election petition were true to the knowledge of the appellant, and an entirely new case has been made out in evidence as to how Hemant Babu and not the appellant, had been informed about the distribution of leaflets. These contentions of the learned counsel for respondent No. 1 are also not without force. In the fresh verifications and affidavit filed, a clear distinction had been made by the appellant as to what facts alleged were true to his knowledge and what were based on his information. As a matter of fact, the fresh verifications and affidavit with respect to the election petition, filed on the 16th October, 1962, and the verification and affidavit attached to the amendment petition filed on that day, supplying new Annexures A to F, do not really tally with one another. Apart from what I have stated about the verification of paragraph 7 of the election petition, the amended verification of old Annexure B, filed on the 16th October, 1962, stated that item No. 2 of Annexure B was based on the appellant's knowledge, as well as information received from Hemant Babu and other electors. With respect to Annexure B, item No. 2 dealing with the same question, it has been stated in the verification supporting the new Annexure, that the statements made in Annexure B, item No. 2 (a) were true to information received from Hemant Babu, as well as other electors. Item No. 2(a) of new Annexure B is with respect of distribution of the questioned leaflets by Banwari Babu, on the 17th February, 1962, in Mustafapur, Kalyanpur and other villages. It is difficult to understand what was the appellant's case regarding the alleged distribution by Banwari Babu and others, before evidence was actually led before the Tribunal.

12. Upon the question as to how Hemant Babu came across a copy of the leaflet for the first time and came to know about the distribution, Hemant Babu has deposed that on the 22nd February, 1962, he had gone to Khalishpur at about 3 P.M. for election propaganda and there he had learnt from Ramudagar Singh (P.W. 55) and Parmeshwari Singh (P.W. 52) and others that Banwari Babu had been there earlier and had distributed Hindi leaflets entitled "Kal Ka Kukarmi Aaj Sadhu Ke Vesh Men" etc. No copy was, however, given to Hemant Babu as the leaflets obtained by these people had been destroyed. Then Hemant Babu went to village Udabathus and there in the house of Mukhiya Anirudh Prasad Singh, Jugal Kishore Singh (P.W. 49) gave him a leaflet, saying that such leaflets had been distributed by Banwari Babu a little while before. Hemant Babu is said to have read the leaflet, whose contents were like the contents of Exhibit 2. [It will be indicated presently that this copy of the leaflet given to Hemant Babu is not Exhibit 2 of this case]. Then Hemant Babu states that he showed the leaflet to his father, the appellant, at Samastipur, and under his direction, he took it to the Subdivisional Officer of Samastipur on the 23rd February, 1962. A petition was drafted by Hemant Babu in the morning of the 23rd February, and Hemant Babu states that he went to the house of the Subdivisional Officer (P.W. 99) at about 7-30 A.M., with the petition and the leaflet, but he could not meet the officer. He then came back to the court compound and saw Shri S. S. P. Singh, Second Officer (P.W. 111). The petition and the leaflet were handed over to the Second Officer. After a short while, the Subdivisional Officer came to his chamber and Hemant Babu was taken there by P.W. 111. The petition was handed over to the Subdivisional Officer. This petition has been brought on the record

and has been marked as Exhibit 5. The Sub-divisional Officer (P.W. 99), who was the Returning Officer of the Assembly constituencies in these elections, states that he had sent a report dated the 23rd February, 1962, to the District Magistrate, in this connection. This report has been brought on the record and has been marked as Exhibit 1. According to P.W. 99, two pamphlets in Hindi, mentioned in this report, were enclosed with the report, and one of these pamphlets was the one which Hemant Babu had brought with his petition (Exhibit 5). That pamphlet, headed "Kal Ka Kukarmi Aaj Sadhu Ke Vesh Men" is still attached to Exhibit 1. Jugal Kishore Singh (P.W. 49) has made an attempt to corroborate Hemant Babu in this context. According to this witness, a resident of Udabathua, Udapatti village was close to his house, and in the evening of the 22nd February, he was on the village road of Udapatti, when Banwari Babu came on a jeep and distributed leaflets to about 10 or 16 people there. P. W. 49 had got a leaflet similar to Exhibit 2 and he had taken the leaflet to Mukhiya Anirudh Babu's place and had handed it over to Hemant Babu. If P.W. 49 had really given a copy of the leaflet to Hemant Babu, in the evening of the 22nd February, telling him that Banwari Babu had distributed such leaflets and Hemant Babu had gone to his father to complain about it, one would have expected some reference to this distribution by the election agent of a rival candidate, in the petition filed on the 23rd February, 1962 (Exhibit 5). The petition runs thus:—

"To

The Returning Officer,
Samastipur.

Ref: Publication and distribution of defamatory leaflets in order to lower down the prestige and honour by Shri Satya Narain Singh candidate for Parliamentary affairs (sic) and through his agents.

Sir,

I have to bring to your notice the following facts for your information and perusal.

That the leaflets and pamphlets (a copy of which is attached) are being distributed among the public in general by the men and agency of Sri Satya Narain Singh, a candidate for the Parliamentary seat.

That on perusal of the same, it would convince you that language as used in the pamphlets are directly abuses and contains filthy languages, which are sufficient to injure the public reputation of a man.

That all these have been done to secure the sympathy of the voters and to poison the mind of the people against the other contesting candidate, Sri Ramashray Pd. Choudhary.

That this has been noticed that several other pamphlets were also distributed through the agency of the said Sri Satya Narain Singh, which were for and against him, in order to gain the sympathy of the voters but failing in his previous attempts he has adopted a very foul means by using absolutely maliciously, false, baseless and filthy accusation against the other candidate Sri Ramashray Pd. Choudhary.

That from the perusal of the pamphlets you will be convinced that they are planning to distribute further pamphlets.

It is, therefore, brought to your notice that such action may be taken to stop such nefarious activities and the wrongdoers should not be spared from the legal consequences.

And for this I shall ever remain grateful.

Yours faithfully,

(Sd.) HEMANT KUMAR CHOURHARY
Election Agent for
RAMASHRAY Pd. CHOURHARY
Candidate for 16 Samastipur
Parliamentary Constituency.
23-2-1962."

Shown to party inspection as ordered by S.D.O.

(Sd.) N. A. B. FAROOQUI

Magistrate
10-2-62.

There is no doubt that Sri S. S. P. Sinha (P.W. 111) was well known to the appellant's family, and if the evidence given in this case be true, the petition would surely have mentioned the fact of distribution by Banwari Babu. Hemant Babu himself was an Honorary Magistrate for 10 or 12 years at Samastipur. The prayer made in Exhibit 5 was that action may be taken to stop the activities complained of, so that the wrong-doers may suffer legal consequences of their action. If exhibit 5 was really based on informations supplied by P.W. 49, it is hardly probable that it would have stated merely that such leaflets were being distributed among the public in general by the men and agency of Sri Satyanarain Sinha, a candidate for the Parliamentary seat. There can be no doubt that Hemant Babu filed a copy of the leaflet along with his petition (Exhibit 5) on the 23rd February, 1962, but two facts are conspicuous. He neither mentioned in the petition the name of P.W. 49 as the person who gave him that leaflet nor the name of Banwari Babu as one of the distributors. These omissions have not been explained. If the appellant's case was true, P.W. 49 had made over the leaflet only a day prior to 23rd October, 1962 and the name of that person was absolutely fresh in the mind of Hemant Babu but even then he did not disclose it. Accordingly, there is considerable doubt as regards the veracity of the statements of P.W. 49. The written statement filed by Hemant Babu on the 28th August, 1962, had a copy of this leaflet attached to it, but there is no evidence as to how this copy was obtained by Hemant Babu. Along with the amendment petition filed by the appellant on the 16th October, 1962, a third copy came to light and this is the copy which has been brought on the record and marked as Exhibit 2. There is no clear explanation as to how Hemant Babu came across this leaflet. These matters cannot be ignored wholly as learned counsel for both the parties have dealt with them in great detail, and the evidence has to be considered in the light of these criticism.

13. The first point that has been taken up by learned counsel for the appellant and pressed in this Court is about printing and distribution of leaflets, in the nature of Exhibit 2. Dealing with the contents of Exhibit 2, the Tribunal has stated in paragraph 41 of its order that the leaflet was in fact a scurrilous document and contained most heinous and damaging aspersions on the personal character and conduct of the appellant. Learned counsel for the parties in this Court have proceeded on the same footing, namely, that the publication of such a leaflet would be a corrupt practice within the meaning of section 123(4) of the Act, if it is proved that the publication was by a candidate or his agent, or by any other person, with the consent of a candidate or his election agent. The question agitated is as to how, where, by whom or at whose instance or by whose consent these leaflets were printed and distributed. I will, therefore, take up the appellant's case regarding printing of these leaflets.

Printing of leaflets (Exhibit 2)

14. It may be reiterated that in paragraph 7 of the election petition there was no reference as to this aspect of the matter, nor was the question of printing mentioned in the original Annexure B. The matter of printing was mentioned for the first time in the substituted Annexure B, as quoted above. It was mentioned therein that these leaflets had been printed at Shankar Press, Patna, there being no indication of the Press on the leaflets. It may also be mentioned at this stage that the first copy of this leaflet was filed before the Tribunal along with the written statement of Sri Hemant Kumar Choudhary, on the 28th August, 1962, but was not mentioned therein as to how and where such leaflets had been printed. Be that as it may, the evidence adduced on this point is as follows: Rajendra Prasad Verma (P.W. 26) has deposed that he had a printing press at Dalsingsarai, known as Ashok Press. It is said that a fortnight before the election of 1962, Jagdish Prasad Choudhary (R.W. 9) had gone to the press and had asked P.W. 26 to see Banwari Babu. The witness accompanied R.W. 9 to the Gola of Deonarain Sahu (R.W. 60) and met Banwari Babu (R.W. 91). At that place Satyapal Mishra (R.W. 7), Makhan Lal Surekhs (R.W. 8) and Baleshwar Ram (R.W. 83) were present. It was about 9 P.M. in the night. Banwari Babu gave the witness (P.W. 26) a manuscript for printing which the witness read. But he refused to print it on the ground that it contained abuses of the appellant. It is then said that Satyapal Mishra said that he would get the manuscript printed at Shankar Press, Patna, where his paper "Karmi" was printed. On seeing Exhibit 2, the witness stated that the manuscript was exactly in terms of Exhibit 2. All these allegations have been denied by Banwari Babu and the respondent's witnesses mentioned above, although there is no dispute about the existence of a Press called Ashok Press at Dalsingsarai and the connection of Satyapal Mishra with a magazine called "Karmi". These two matters have been admitted by Satyapal Mishra (R.W. 7). As a matter of fact, the evidence of P.W. 26 that the election office of respondent No. 1 was located in the Gaddi of Deonarain (R.W. 60), where he had

gone, is also disputed and R.W. 60 has deposed that the election office of respondent No. 1 was not situated in his Gaddi. According to this witness, no work relating to respondent No. 1's election was transacted from his Gaddi. In my opinion, the entire evidence given by P.W. 26 appears to be improbable. If these leaflets were going to be printed at Ashok Press, it is highly unlikely that such a conference would have been held at the Gaddi or at any other place where people known to P.W. 26 like Satyapal Mishra would be present. It is difficult to conceive that after a refusal by P.W. 26, Satyapal Mishra could have stated openly then and there that he would get the leaflets printed at Shankar Press, where he got "Karmi" printed. Then, there is no evidence that P.W. 26 had ever told the appellant or his son, who was the appellant's election agent, about this incident. P.W. 26 has deposed that he knew the appellant from his childhood and he goes to his house for taking orders for printing. As a matter of fact, P.W. 26 had printed the election symbols of the appellant, about 15 or 20 days before the election of 1962, which is in question. If P.W. 26 was in a position to refuse printing of the leaflets containing abuses of the appellant, he would have certainly taken steps to inform the appellant or his son about this incident. Learned counsel for respondent No. 1 has referred to the cross-examination of P.W. 26, where he has stated that Satyapal Mishra had brought a criminal case against him in respect of a handbill printed by him on behalf of the appellant. It was a defamation case against him, his brother and the appellant, which was later on compromised. It is urged that on account of this earlier incident, P.W. 26 has been examined in support of a false case involving Satyapal Mishra. It is also urged by learned counsel for respondent No. 1 that Jagdish Prasad Choudhary (R.W. 9) has also been implicated in this connection, because he had deposed against the accused persons in the defamation case. It is also contended that according to R.W. 9, Ashok Press was situated in the premises of the appellant. Apart from the situation of Ashok Press, other matters mentioned by learned counsel for respondent No. 1 are not without force. P.W. 26 and the appellant being co-accused in the defamation case filed by Satyapal Mishra (R.W. 7) it is obvious that the two were well acquainted, and as such, it is improbable that Banwari Babu would have requisitioned the services of P.W. 26 for printing such an objectionable leaflet even if he had a design for it. Moreover, Sri Hemant Kumar Choudhary, son of the appellant, was living at Dalsinghsarai and the appellant had a stronghold there. Thus it is extremely unlikely that a press at Dalsinghsarai would be chosen for printing this leaflet. The entire episode relating to the so-called conference in the Gola of R.W. 60 appears to be a myth and concoction. Then comes the evidence adduced on the point of actual printing of these leaflets. Dhirendra Kumar Verma (P.W. 91) has been examined to state that from the 15th January to the end of February, 1962, he had worked as a compositor in Shankar Press, Patna, and during this period he had printed 3,000 copies of a leaflet of which Exhibit 2 is one. According to this witness, in the second week of February, 1962, Banwari Babu and Satyapal Mishra (R.W. 7) had gone to this press and the proprietor of the press had called P.W. 91 and had given him a manuscript and had asked him to print it immediately as Satyanarain Babu's son wanted it urgently. The proprietor had asked the witness to print 3,000 copies of it and had also asked him in the presence of Banwari Babu, not to mention the name of the press in the leaflets. This witness immediately composed types, and after printing a proof-copy submitted it to the proprietor who corrected it. The same night 3,000 copies were printed by P.W. 91. The corrected proof and the manuscript were submitted to the proprietor, who destroyed them. In support of his evidence P.W. 91 has produced a wages slip (Exhibit 3) dated the 3rd March, 1962, showing that he had received wages for his work done during the period of his temporary appointment. It is said to have been written by Radha Krishna Prasad, the proprietor of the press and it is said to contain the Proprietor's initial also. Radha Krishna Prasad has been examined as R.W. 78. He has denied about the alleged printing of these leaflets in Shankar Press and he has deposed that he had no such worker named Dhirendra Kumar Verma, in his press, at the relevant time. He has denied that the wages slip (Exhibit 3) was issued from his press. He has denied his alleged handwriting and initial on the document. Even the rubber stamp on this document has been denied to be the rubber stamp of the press. He has denied the incident about which P.W. 91 has deposed, and according to this witness, he did not know Banwari Babu at all. Apart from this direct contradiction of the evidence of P.W. 91, it is difficult to comprehend a situation in which Banwari Babu and Satyapal Mishra would attempt to have the leaflets printed in a press, when the proprietor would call a compositor in the presence of Banwari Babu and Satyapal Mishra and ask him to "print it immediately as Satyanarain Babu's son wanted it urgently". According to P.W. 91 he was not acquainted with Satyanarain Babu and his sons. Therefore, there was no occasion to mention to him the name of Satyanarain Babu. If the witness had meant that he was told that Banwari Babu wanted the prints immediately, it is also inconceivable that

under the circumstances, Banwari Babu's name would have been mentioned. As a matter of fact, according to P.W. 91, he had seen Banwari Babu only once in 1957 in Darbhanga Collector's Court. There was no talk between them. Therefore, in my opinion, it is hardly probable that the compositor would remember Banwari Babu or he be called in, the presence of Banwari Babu and Satyapal Mishra, and on urgent order of the nature deposed to by P.W. 91 would be placed. Moreover, a compositor who had known Satyapal Mishra from before, would not have been called in when Satyapal Mishra was present. Coming to the wages slip (Exhibit 3), it is significant that P.W. 91 had admitted that he had worked in many other presses, but he had no wages slip from any of them. It is hardly probable that a compositor who had been paid wages on the 3rd March, 1962, for temporary work would retain the wages slip for future use to bring it in the witnessbox in November 1963. It has been elicited in his cross-examination that he had given a stamped receipt to the proprietor and Exhibit 3 was only a copy, but not a carbon copy. I fail to appreciate why a copy was issued to a compositor, when a signed and stamped receipt had been taken from him. P.W. 91, stated in cross-examination that the press was already closed and the proprietor himself went to his house to call him. This version also appears to be improbable. Learned counsel for the appellant has criticised the evidence of R.W. 78 upon the question of a register (exhibit F) produced by him. But I do not think any useful purpose will be served by dealing with this matter any further, as in my opinion, the evidence of the compositor (P.W. 91) is hardly acceptable on its own merit. In the result, it must be held that the attempt to prove the printing of objectionable leaflets (of which Exhibit 2 is said to be one) at Shankar Press, Patna, with the aid of Banwari Babu and Satyapal Mishra was futile and the evidence adduced in this respect must be rejected.

15. *Distribution of Exhibit 2.*—The second point that has been urged by learned counsel for the appellant is about the distribution of the leaflets. Of the large number of allegations made in this context in new Annexure B, learned counsel has placed before us the evidence with respect to the distribution by (1) Banwari Babu (R.W. 91), (2) Sri Satyapal Mishra (R.W. 7), (3) Sri Makhanlal Surekha (R.W. 8), (4) Shri Jagdish Prasad Choudhary (R.W. 9), (5) Sri Ramakant Mishra (R.W. 11), (6) Sri Damodar Choudhary (R.W. 61), (7) Sri Sitaram Pankaj (R.W. 65) and (8) Sri Baleshwar Ram (R.W. 83) who was then a parliamentary secretary of the Government of Bihar and a candidate for the Assembly, I will deal with the appellant's case in the order mentioned above.

16. *Distribution by Banwari Babu.*—It is said that Banwari Babu had distributed these leaflets on the 17th February, 1962, in Mustafapur, Kalyanpur, Bibhutipur and Sankhmohan. It is alleged that he had distributed these leaflets in Samastipur Town on the 21st February, 1962, and that he had distributed them in Khalishpur and Udapatti on the 22nd February, 1962, and in Gochi and Barehgama on the 25th February, 1962. A number of witnesses have been examined on behalf of the appellant to prove this distribution and a number of witnesses have been examined on behalf of the contesting respondent to show that no such distribution as alleged had been made. In two respects specific names have been made on behalf of respondent No. 1 to show that Hemant Babu, son of the appellant, could not have gone to Udebathua on the 22nd February, 1962, where it is said that a leaflet had been handed over to him by Jugal Kishore Singh (P.W. 49) and that the allegation of distribution by Banwari Babu in Khalishpur and Udapatti on the 22nd February, 1962, is false, as he had not left the election office in Samastipur Town on that date.

17. *Distribution in Mustafapur.*—The witnesses examined to prove distribution of the leaflets in Mustafapur are P.W's 20, 36, 70 and 71.

[P.W. 20 has also been examined to prove distribution of these leaflets by Baleshwar Ram (R.W. 83) at Nagargawan on the 19th February, 1962]. The evidence of Lakshmi Kant Choudhary (P.W. 20), a resident of mouza, Saora, is to the effect that at about 9 A.M. on the 17th February, 1962, he had been to Mustafapur which was at a distance of 8 or 9 miles from his home, and he had met Banwari Babu distributing some leaflets standing on the road. He got a copy, which was exactly like Exhibit 2. After the elections, it is alleged that P.W. 20 had reported about this distribution of leaflets to Hemant Babu. The leaflet received by this witness was taken by him to his home, but he did not preserve it. Upon a careful

scrutiny of the evidence of this witness, I am of the opinion that this evidence cannot be safely accepted as reliable. P.W. 20 was the election agent of Munil Das, a candidate for the Praja Socialist Party, for election to the Assembly in the elections held in 1962. The witness was making propaganda for his party in the election. Rajendra Mahton, respondent No. 2 in his appeal, was a candidate for election to the Lok Sabha from this party, i.e., Praja Socialist Party, and P.W. 20 was his polling agent. It is difficult to think that Banwari Babu would not know about these matters and he would himself give a statement to Exhibit 2 to this witness. In any case, a polling agent for any candidate would surely not have destroyed or thrown away any leaflet. Exhibit 2 distributed by the election agent of any other candidate. In my opinion, this witness had rightly been described as an omnibus witness, as he has deposed about two other incidents. According to him, when he had returned to Soara on the 18th February, 1962, he had met Lakshmi Kant Jha (R.W. 31) and one Shashi Kant Jha and they had asked him to leave his party and support Satyanarain Babu as the witness was a Maithili Brahmin. According to P.W. 20, further, on the 19th February, 1962, he had visited Nagargawan in the morning and had seen Baleshwar Ram (R.W. 33) distributing leaflets like Exhibit 2 of which he got a copy. R.W. 31, a distant relation of P.W. 20 had denied that he had made any appeal on caste basis in village Soara. The evidence given by Hemant Babu (P.W. 124) with respect to the receipt of information regarding distribution of these leaflets is of a very general nature, to the effect that on the 23rd February, onwards he got information that Banwari Babu had distributed leaflets beginning from 17th February in many villages, including Mustafapur. The evidence of P.W. 20 has rightly not been accepted by the Tribunal as true. In my opinion, the evidence of the other three witnesses examined on behalf of the appellant is also no better. P.W. 36 was a polling agent of a candidate for the election to the Assembly on behalf of Swatantra Party. He has deposed that on the 17th February, 1962, he had gone to Mustafapur from his village, which was Basarhiya, and there he had obtained a leaflet distributed by Banwari Babu. Four or five days after the election he had mentioned about the leaflet to the said candidate, who has not been examined in this case. P.W. 36 does not state what he did with the leaflet received by him nor has he stated that he had informed anyone of the party of Hemant Babu. According to P.W. 36, the leaflet that he had got, read like Exhibit 2 of this case. But he has stated that he had received two or three other candidates' leaflets and he had himself distributed one kind of leaflets and he did not remember the contents of all these leaflets. It is, therefore, difficult to rely on the evidence of this witness, as he is quite vague as to what he had done with the leaflet said to have been received by him from Banwari Babu. It is also difficult to accept his evidence that if he had received any leaflet from Banwari Babu, he would remember the contents to say that the contents of that leaflet were exactly like the contents of Exhibit 2. P.W. 70 states that he had got one of the leaflets distributed by Banwari Babu at about 10 A.M. on the 17th February, 1962. He had read it and had thrown it away. According to him, the contents of that leaflet were like the contents of Exhibit 2. According to him, he had received other kinds of leaflets and had read them; but he did not remember fully their contents. He also did not remember from whom he had received them and when. Therefore, it is difficult to accept his case that he remembers about the distribution of leaflets by Banwari Babu in as great a detail as he wishes to make out. Then, he also does not say that he had given any information to anyone. On the contrary, he has deposed in cross-examination that he was not acquainted with the appellant or his sons. The last witness in this series is P.W. 71. According to this witness, Banwari Babu had distributed these leaflets at about 9 A.M. on the 17th February, 1962, of which he had got a copy. He has stated in the cross-examination that he tore the copy after reading it. Learned counsel for respondent No. 1 has drawn our attention to the evidence of this witness where he has stated that he had appeared for his Matric examination in 1962, before the election from Chhatradhari High School in Dalsingsarai of which the appellant was the Secretary. It is contended that for this reason P.W. 71 has been brought to make out a false case. Whatever may be the worth of this submission, it is also clear from the evidence of this witness that he could not have remembered the contents of any of the leaflets said to have been distributed by Banwari Babu and received by him, as he now states that he does. In cross-examination he has deposed that during the election he had received many kinds of leaflets, but he did not remember their contents nor when and where or from whom he had received them. It is, therefore, impossible to hold on the evidence of these four witnesses examined by the appellant, that they could have remembered any distribution by Banwari Babu of any leaflet on the 17th February, 1962, in village Mustafapur whose contents were identical to the contents of exhibit 2. On behalf of respondent No. 1 a witness has been examined to prove the negative and he is R.W. 89. This witness has deposed that no leaflet like Exhibit 2 had

been distributed at Mustafapur by Banwari Babu in the morning of the 17th February, 1962. If the evidence of the appellant's witness were acceptable, such negative evidence may not have been sufficient to disprove distribution as at the most, it could be held. On the evidence of R.W. 89 that to his knowledge there was no distribution. But, in any case, the evidence of such negative character is not important and helpful if the positive evidence of distribution is unacceptable. I may state here that the evidence of Banwari Babu will be considered at the end and it is enough to state at present that he has denied all the allegations made against him about the distribution of leaflets, as alleged by the appellant.

18. *Distribution in Kalyanpur.*—The witnesses examined on behalf of the appellant to prove distribution of leaflets by Banwari Babu in village Kalyanpur are P.W.'s 69, 73, 86, 89, 90 and 109. P.W. 69 has deposed that on the 17th February he had seen Banwari Babu distributing leaflets from a jeep and he had received a copy of it and had read it. It was like Exhibit 2. In his examination-in-chief he does not state as to what he had done with the leaflet, but he has stated in cross-examination that he had kept it in his pocket and had taken it to his Tola. He is not at all specific as to whether he preserved it or destroyed it. He has deposed that he had received several kinds of leaflets during the election, but he did not remember the entire contents of any of the leaflets. It is therefore, difficult to appreciate how he could remember the contents of the leaflets said to have been distributed by Banwari Babu. As a matter of fact, there is no indication in his evidence that he had ever informed anyone belonging to the party of the appellant regarding this matter, although he had deposed that he knew the appellant since his boyhood. In my opinion, the Tribunal was right in not accepting the evidence of such a witness examined on behalf of the appellant. It may be stated here that P.W. 69 has also been examined upon the question of bribing the Harijan voters. This aspect of the matter will be considered in due course. The evidence of the other witnesses examined on behalf of the appellant on this point does not appear to be any more reliable. P.W. 73 was a polling agent for the appellant and he knew the appellant since his boyhood. He had known Hemant Babu also for about 10 years. According to this witness he had destroyed the leaflet that he had got from Banwari Babu after reading it. He had considered the leaflet to be objectionable and he has reported this matter to the Mukhiya, who has been examined as P.W. 109. The Mukhiya does not, however, corroborate this aspect of the matter, as will be apparent presently. In my opinion, it is extremely unlikely that a polling agent of the appellant at Kalyanpur would have destroyed the leaflet obtained by him after reading it. The polling day was the 18th Feb. and it is not possible to believe that the polling agent would have kept quiet if Banwari Babu, the election agent of respondent No. 1, had distributed such leaflets at Kalyanpur on the 17th February. According to P.W. 73 he had received other kinds of leaflets, but he did not fully remember who had distributed them and when. He also did not fully remember the contents of those leaflets. It is, therefore, extremely doubtful whether his evidence in the present contents is true. The next witness, P.W. 86, was the Up-Mukhiya of a Gram Panchayat. He has deposed that he had got a leaflet from Banwari Babu and had read it and had thrown it away. This witness also had considered the leaflet to be objectionable and he had spoken to Mukhiya Ramakant Jha (P.W. 109) in the Gram panchayat office. In this respect also, P.W. 109 does not corroborate this witness. Further, P.W. 86 has deposed that he had received leaflets from many other parties, but he does not remember who had distributed them and when. He does not also remember the contents of those leaflets. In view of this matter, it is difficult to accept his evidence regarding distribution of the leaflets by Banwari Babu as alleged. Learned counsel for respondent No. 1 has drawn our attention to some infirmities in the evidence of P.W. 86 as to how he became an Up-Mukhiya. No useful purpose, however, will be served by considering this aspect of the matter, as I have held that this evidence regarding distribution of leaflets by Banwari Babu is not safe to be acted upon. P.W. 89 has given peculiar evidence by stating that the leaflet which he had obtained was printed in red paper. The evidence of this witness ought to be rejected on this ground alone, as the leaf (Exhibit 2) in question has been printed on white paper. Moreover, he has stated in cross-examination that many other leaflets had been distributed in his village, but he could not say who distributed them and when, nor could he give the contents of those leaflets. He has further admitted in cross-examination that he did not remember the entire contents of the red leaflet received by him. He has also not stated whether he had given any information to Hemant Babu or not, although he had met the latter during the election. It will, therefore, be not safe to act upon the evidence of this witness. The next witness (P.W. 90) has said that he had received a copy of the leaflet distributed by Banwari Babu which he had

read and which he had torn up. He has also deposed that he had orally reported about the receipt of a leaflet to Ramakant Babu, Mukhiya (P.W. 109). But the Mukhiya has not corroborated this matter. According to the Mukhiya (P.W. 109), he had seen Banwari Babu distributing leaflets at about 10 a.m. by jeep, and he had got one copy of the leaflet the contents of which were like those of Exhibit 2. According to this witness, at that time, Ramraj Takur (P.W. 86) and others were with him. Therefore, there does not appear to be any reason why the other persons present with the Mukhiya would have reported orally about this matter to him and the evidence of all those witnesses who have deposed about reporting this matter to this Mukhiya must be rejected. P.W. 109 has also admitted that though he had received leaflets of other parties during the election, he did not remember who had distributed them and on what dates and what their contents were. It is, therefore, difficult to accept the evidence of this Mukhiya to the effect that he remembered the contents of any of the leaflets said to have been distributed by Banwari Babu. He has further stated that after the election he had handed over the leaflet received by him to a constable of a police patrol party travelling in a truck. This he had done on the 18th February. This evidence is not understandable at all, as the polling had taken place in Kalyanpur on the 18th February, and if the Mukhiya was in a mood to complain about this leaflet to anybody, he would have given the leaflet to some other competent person, as he has deposed that he had gone to the polling booth, where there were police officers, the presiding officer and the polling officer. He did not complain to any of them. Therefore, the entire evidence of this witness is unacceptable. No useful purpose will be served by referring to the evidence of the respondent's witnesses, who have tried to prove the negative in this case also, and who are R.W. 20, 21, 22 and 23.

19. *Distribution in Bibhutpur.*—Only one witness has been examined to prove distribution of leaflets by Banwari Babu in village Bibhutpur. He is P.W. 82. This witness has deposed that he had received a copy of the leaflet in question and having read it, he had thrown it away because it was full of abuses. There are indications in his evidence which throw considerable doubt as to whether he was at Bibhutpur at all so that he may have received copy of any leaflet. Although he has described his home as Bibhutpur, he has admitted that he had business at Dalsingsarai, which was 11 miles away. He has further admitted that sometimes he stays at Dalsingsarai for that business. But he has also admitted that the summons in this case had been received by him at Dalsingsarai. Therefore, in all probability, this witness lives at Dalsingsarai and not in Mouza Bibhutpur. He has stated that he knew the appellant for 10 or 12 years and he also knows the appellant's sons. But he never told the appellant or his lawyer that he had received any of the disputed leaflets in his village home. I am, therefore, not inclined to accept his evidence for holding that Banwari Babu had distributed leaflets in village Bibhutpur as alleged. In this case also, three witnesses have been examined on behalf of respondent No. 1 to prove that no such distribution had taken place and these witnesses are R.W.s. 15, 16 and 54. It is not necessary to state any further about these witness of the respondent, if the evidence of the appellant's witness is not accepted.

20. *Distribution in Sankhmohan.*—In the case of distribution of leaflets by Banwari Babu in village Sankhmohan also, there is one witness for the appellant, who is P.W. 72. This witness also had destroyed the leaflet received by him. It is difficult to appreciate how he would remember all these matters when he has admitted that he was a farmer and he had no connection with social and political activities. Learned counsel for respondent No. 1 has drawn our attention to the fact that the brother of this witness is a lecturer in R.B. College (R.B. stands for Ramashray and Baleshwar), and as the appellant has given donation for the college, it bears his name. It is argued that for this reason this witness has been examined to depose falsely. Whatever may be the force of this contention, when the witness does not state that he had ever reported the matter to anybody, it is difficult to accept his evidence that he would remember about the facts deposed to by him. According to him, leaflets of other parties were distributed by cyclists, but he did not remember who had distributed them and when. He has given no indication in his evidence as to how he knew Banwari Babu. In this case also respondent's witnesses No. 53, 55 and 56 have been examined to deny the allegation; but it is not necessary to refer to their evidence in any further detail.

21. *Distribution in Samastipur Town.*—Then comes the allegation of distribution of the disputed leaflets in Samastipur town by Banwari Babu on the 21st February, 1962. P.W.'s 44 and 46 have been examined on the point of the said

distribution on the Station Road, and P.W.'s 45 and 47 on the point of distribution in Marwari Bazar and Ganesh Chowk respectively. P.W. 44 states that he was the manager of Bimal Kumar and Sons and he was standing in front of his shop when he saw Banwari Babu coming on a jeep. He was distributing leaflets and the witness got a copy. Five or six days later he had met Hemant Babu and he had reported the matter to the latter. According to this witness, he had known Hemant Babu for one or two years as the witness was a football player and Hemant Babu was a referee. If this is true and the witness was going to report about this matter to Hemant Babu, then there is no reason why the witness should have destroyed the leaflet after reading, as he says he did. Then he has deposed that he had received leaflets of other parties also, but he did not remember the contents of any of them. Therefore, it is difficult to accept his evidence that the leaflet that he had received from Banwari Babu was similar to Exhibit 2. Learned counsel for respondent No. 1 has referred to the evidence of R.W. 14, who is said to be the proprietor of National Musical Hall in Samastipur, situated close to the shop of Bimal Kumar and Sons. According to this witness, Bimal Kumar, the proprietor of this shop, is a teacher in the appellant's school at Dalsingsarai of which Hemant Babu is the Secretary. It is contended, therefore, that the evidence of P.W. 44 should be looked upon with suspicion. Learned counsel for the appellant has, on the other hand, referred to the evidence of this very witness (R.W. 14), where he has stated that there was no employee in Bimal Kumar and Sons named Julum Singh, that is to say, P.W. 44. It is argued that the learned counsel for the appellant has taken an illogical stand. It is argued that if there is no employee like Julum Singh in Bimal Kumar and Sons, then P.W. 44 could not have been examined in support of a false case. In my opinion, it is not necessary to decide on the merit of the evidence of P.W. 44 on these lines and for the other grounds given above, I am not inclined to accept the evidence of P.W. 44. The evidence of the next two witnesses, P.W. 45 and P.W. 46, is not on a better footing. It appears that neither of them was a resident of Samastipur Town and P.W. 45 has deposed that at the relevant time, he was purchasing cloth in Samastipur and according to P.W. 46, he was at Samastipur on the day alleged to buy medicine. The evidence of such chance witnesses ought not to be safely accepted. P.W. 45 has deposed that many leaflets were distributed during the election and he had received them. But he did not remember fully from whom he had received them and when; he may have remembered some cases. He did not remember who gave him the leaflet on the Socialist Party and when. It is difficult to accept the evidence of such a witness in proof of the fact that he remembered the contents of any of the leaflets said to have been distributed by Banwari Babu. He does not appear to be a person who was totally disinterested in this election, as he has admitted in cross-examination that he had come to Samastipur on the day of counting of votes. This witness is said to have reported the matter regarding distribution to Hemant Babu. But if he was going to do so, there is no reason why he should have destroyed the leaflet that he had got after reading, when he had known Hemant Babu for 20 years. P.W. 46 had also come to Samastipur to see the counting of votes. So he also was not a person very much disinterested in this election. He has also stated about informing Hemant Babu; but then, he had also destroyed the leaflet after reading it, although he had known Hemant Babu for 4 or 5 years. It has been elicited in his cross-examination that he had received other leaflets during the election but he did not remember on which dates or from whom. No reliance can be placed on the evidence of such a witness. The last witness in this matter is P.W. 47. He was also a resident of a different place and he is said to have come to Samastipur to see the "Tamasha" of voting. The evidence of such a witness cannot be safely acted upon. He has deposed that he received many other leaflets of other parties, but he did not remember from whom and the contents thereof. He has deposed that he had reported the matter to Hemant Babu after polling, but there is no evidence as to what this witness had done with the leaflet that he had got. He had stated in cross-examination that he had gone to Samastipur for marketing and having met Hemant Babu, he had reported to him about this distribution. It is hardly possible to accept this kind of evidence as true. Thus, the evidence adduced by the appellant to prove distribution in Samastipur Town is not safe to be accepted. A large number of witnesses have been examined on behalf of respondent No. 1 who are R.W.'s 3, 4, 14, 39, 41, 66, 67, 71 and 72, to rebut the appellant's case of this distribution. It is not necessary to refer to their evidence except to state that they had denied any distribution by Banwari Babu in Samastipur Town on the 21st February, 1962.

22. *Distribution in Khalishpur.*—Then we come to the alleged distribution in village Khalishpur on the 22nd February, 1962. In this connection, a large number of witnesses have been examined on behalf of the appellant, and they are

P.W.'s 48, 50, 51, 52, 54 and 55. P.W. 48 has deposed about this distribution at about 2 P.M. He has deposed that in the same afternoon he had reported the matter to Hemant Babu. It is difficult to accept the evidence of this witness for the following reasons. He has deposed that Banwari Babu had come in a jeep. There were four persons in the jeep, one of whom was named Kamal Narain. The witness has even given the number of the jeep as 1173. He has deposed that while reporting the matter to Hemant Babu, he had given the number of the jeep, the persons who were in it and the persons who had received the leaflets. If this were true, it is very strange that in the application filed by Hemant Babu on the 23rd February, 1962 (Exhibit 5), only general allegations had been made and the name of Banwari Babu had been omitted. According to P.W. 48, four other kinds of leaflets had been distributed on behalf of other parties from the same spot, but the witness did not remember who distributed those leaflets and when. The witness had at first stated that he remembered the contents of those leaflets, but thereafter on a second thought, he stated that he did not remember their contents. Under these circumstances, it will not be safe at all to accept the testimony of P.W. 48 in proof of any distribution, as alleged. It may be mentioned incidentally that one Kamal Nath has been examined as R.W. 10 on behalf of respondent No. 1, and he has denied that he had accompanied Banwari Babu to Khalishpur when Banwari Babu is said to have distributed the leaflets. P.W. 48 has stated that the distribution had taken place in the presence of P.W.'s 51, 54, 55 and another. But the evidence of these three witnesses is no better. P.W. 51 is said to have received a leaflet from Banwari Babu but he does not state what he did with it. According to this witness, other candidate and their agents had also come by jeep, but he did not remember the dates of their coming. Workers of other candidates had come to his village and had distributed leaflets, but he did not know them and he did not remember the contents of their leaflets that he had received. The appellants's leaflets had reached his village, but this witness did not see anybody distributing them. It is, therefore, difficult to accept his testimony on distribution by Banwari Babu. Before coming to P.W. 54, mentioned above by P.W. 48, the evidence of P.W. 52 may be disposed of as there is a direct contradiction between the evidence of P.W. 51 and P.W. 52. I have just mentioned that according to P.W. 51 leaflets on behalf of the appellant had also reached village Khalishpur. But P.W. 52, a resident of Khalishpur, has stated in cross-examination that no leaflets were distributed in his village on behalf of the appellant. He has also deposed that he reported everything to Hemant Babu, but this cannot be accepted. P.W. 52 could say that the leaflet obtained by him from Banwari Babu was exactly like Exhibit 2, but having received leaflets from Praja Socialist Party and Socialist Party, he did not remember their entire contents. When pressed in cross-examination, P.W. 52 had to admit that he did not even remember the entire contents of the leaflets obtained from Banwari Babu. Reverting to the witnesses named by P.W. 48, the next witness is P.W. 54. He has also deposed that he reported the matter to Hemant Babu soon after receiving a leaflet from Banwari Babu. This case is also doubtful. When pressed in cross-examination he had to admit that he had not read the whole Exhibit 2, because his eyesight was weak and during the election also, his eyesight was weak. It is, therefore, unlikely that he had received any leaflet from Banwari Babu and had read it and had found it to be full of abuses as he states. Then comes P.W. 55. He has also deposed that he reported the matter to Hemant Babu one hour later. In his examination-in-chief he has deposed that he had read the leaflet distributed by Banwari Babu, and because it contained abuses, he destroyed it. That leaflet was like Exhibit 2. But he had received three leaflets during the election and he could not repeat the entire contents of those leaflets. He could not remember who had distributed those leaflets and when. According to this witness, although Hemant Babu had visited his village on two or four occasions before the polling, he had never any talk with Hemant Babu one hour after the incident. The last witness is P.W. 50, whose evidence is equally unsafe to accept. According to this witness, Banwari Babu had not only distributed the leaflets, he had also asked the persons to whom those leaflets were distributed to read the leaflets and then decide about voting. Considering the nature of Exhibit 2, it is hardly probable that anyone distributing such leaflets would have so done. According to P.W. 50, he had received two other kinds of leaflets, but he did not know the persons who gave him those. He did not remember the dates when he had received them and the contents thereof. According to this witness, he had no sympathy with any political party and he had no social or political activity. Then, it is not known why he should have complained about the matter to Hemant Babu. Learned counsel for respondent No. 1 has drawn our attention to the evidence of this witness where he has stated that in course of this election Hemant Babu had gone to the house of this witness and it is urged that a false witness has been brought to court on behalf of the appellant. Be that as it may, for the reasons given above, the evidence of this witness is unacceptable on merit also. In the result, the evidence of no witness can be

accepted in proof of the alleged distribution of leaflets by Banwari Babu in village Khalishpur, R.W.s. 33, 62, 63 and 64 have been examined on behalf of respondent No. 1 to prove that there was no such distribution in Khalishpur. It is not necessary to deal with the evidence of these witnesses separately when all that they have deposed is about the merit of the factum.

23. *Distribution in Udapatti.*—Then comes the alleged distribution in Udapatti on the 22nd February, 1962. In this context, I have already dealt with the evidence of P.W. 49, who is said to have handed over the leaflet obtained by him from Banwari Babu to Hemant Babu on the 22nd February, 1962, on the basis of which Exhibit 5 was filed by Hemant Babu on the 23rd February. The other witness of distribution in Udapatti is P.W. 53, is also a resident of Udabathua and not of Udapatti. He has deposed that he had received other leaflets also, but he did not remember who had distributed them and when. He did not remember the entire contents of those leaflets. Although in his examination-in-chief he has stated that he had read the leaflet obtained by him, which was like Exhibit 2, when pressed in cross-examination he has stated that he did not read the entire contents of the leaflet. Then, this witness has gone so far as to say that he had received a leaflet from the Communist Party on the same day that he had received leaflet from Banwari Babu. Learned counsels for the parties have admitted that there was no candidate for the Communist Party in the election in 1962 from this place. Three witnesses have been examined on behalf of respondent No. 1 in this connection, and they are R.W.s 29, 30 and 33. If the evidence of the appellant's witnesses cannot be accepted, no unuseful purpose will be served by dealing with the evidence of any negative fact.

24. *Distribution in Gohi and Barahgama.*—On the question of distribution in village Gohi and in village Barahgama, on the 25th February, 1962, three witnesses have been examined. P.W. 56 for proving distribution in Gohi and P.Ws. 58 and 59 for proving distribution in Barahgama. In these cases also, the evidence does not appear to be safe for coming to any conclusion in favour of the appellant. According to P.W. 56, he had received two or three other leaflets, but he did not remember who distributed them and when, nor could he give the full contents of those leaflets. This witness had never any talk with Hemant Babu before polling, and still he has deposed that three days after the 25th he had reported the matter to Hemant Babu. I fail to see why he would have reported the matter under these circumstances. He did not work for any party during the election. P.W. 58 has deposed that having received a leaflet from Banwari Babu, he had reported the matter to Hemant Babu. He has also deposed that leaflets were distributed on behalf of other parties, but he did not remember when and by whom. He did not remember the contents of those leaflets. When pressed in cross-examination he had to admit that he did not also remember the contents of the leaflet he received from Banwari Babu. Learned counsel for respondent No. 1 has argued that as Hemant Babu had gone to the house of this witness, for canvassing and had asked for his vote and had given him the leaflet, this witness has been brought to support a false case. Learned counsel has also argued that Radhakant Choudhary, uncle of this witness, was a candidate for election to the Assembly from Warisnagar on behalf of Swatantra Party, and therefore, this witness has been brought to support a false case. Whatever may be the merit of these contentions, the evidence of this witness does not appear to be safe to be relied upon for the reasons given above. P.W. 59 is related to P.W. 58. This witness has also deposed that he had received two or three other pamphlets during the election, but he did not remember the dates when he had received them or from whom. He also did not remember their entire contents. Although he makes himself out to be a disinterested person, it appears that he had gone to see the counting of votes and, therefore, his evidence is unacceptable. He states that he was not interested in the success or failure of any party. In my opinion, it will not be safe to act on the evidence of this witness also. In order to negative the appellant's case of distribution in villages Gohi and Barahgama, some witnesses have also been examined on behalf of respondent No. 1, and they are R.W. 40 (to prove that there was no distribution in Gohi) and R.Ws. 68, 69 and 70 (to prove that there was no distribution of leaflets in Barahgama). No useful purpose will be served by considering the evidence of these witnesses in detail. But, the evidence of Banwari Babu (R.W. 91) must be considered, though that evidence is also of the negative nature. R.W. 91 has categorically denied all the allegations of distribution made against him by various witnesses examined on behalf of the petitioner-appellant. He has also denied about his taking any part in getting these leaflets printed. He has also denied that he and Satyapal Mishra (R.W. 7) had gone to Shankar Press at Patna for having these leaflets printed there. It may be mentioned that many of the appellant's witnesses have made out a case that Banwari Babu had been distributing these leaflets accompanied by other persons in the jeep. For instance,

P.W. 48, who has deposed about the distribution in village Khalishpur on the 22nd February, 1962, has stated that four persons were in the jeep in which Banwari Babu was travelling. Such is the evidence of P.W. 82, who has stated about distribution in village Bibhutpur on the 17th February, 1962. Similarly, P.W. 109, who has deposed about distribution in Kalyanpur on the 17th February, 1962, has also stated that Banwari Babu was on a jeep accompanied by two or three persons. To my mind, it is inconceivable that if Banwari Babu was accompanied by others in the jeep, for the purpose of distributing such objectionable leaflets, he would himself have taken the main part of distribution. Therefore, I am inclined to accept the evidence of P.W. 91, when he states that he took no part in having these leaflets printed and in the distribution thereof. The two broad questions, which have been touched upon by me, as to whether Hemant Babu could have gone to Udarbathua and Khalishpur on the 22nd February, 1962, and whether Banwari Babu had left the election office at Samastipur on the 22nd February, so that he could have gone to Khalishpur and Udarbathua on that day, do not really require any definite conclusion. On the other hand, upon a scrutiny of the evidence adduced by the appellant with respect to the distributions by Banwari Babu. I cannot but hold that the allegations have not been proved beyond reasonable doubt. The English translation of the disputed leaflet is quoted below:—

"Sinner of yesterday turns a pious man today

List of the black deeds of Ram Ashray Choudhary.

1. It is known to all that he is the man who spoiled the character of Sita Devi, mistress and reduced her to the state of begging from door to door. It is for this reason that he has been showering shoes on his wife. The people have seen the instances of his misbehaviour with the girls of Nag family. He has spoiled their prestige and at the same time blackened his face.
2. How does he think himself to be a respectable person when, on misbehaving by force at the house of the Dusadh in Dusadah Toli in Dalsingsarai Ganj he had to sustain assault by shoes and his cycle was snatched away.
3. It is his prestige that he is alive even after being beaten with Khurpi (instrument for cutting grass) and basket by the girls who cut grass.
4. Was his daughter mad that she ended her life by putting herself in fire? It is not so. He burnt her to death as she became pregnant only when she was unmarried. Sin cannot be concealed in spite of an attempt to do so. His misdeeds were at last brought to light.
5. Does he think himself to be the descendant of an Englishman that allowed his Cinema house to run even on the date on which the late Father of the Nation, Bapu was shot dead by a sinner like him. The entire world plunged into grief while he was giving proof of the fact that he was a descendant of an Englishman.
6. It is his vain dream to expect himself to be a leading member in the House of People when he has no knowledge of Hindi alphabet and still tries to massacre English language. He has an old coat of (19)42 and a half pant by putting on the same he assumes a pose of an Englishman. He should shed tears for the action of his father that he could not make him literate. He cannot get the support of the people, by any means, nor can his English father come to his help. It is democracy. The people will not welcome him by casting votes (for him) but by showering shoes (on him).
7. It is his another vain dream to expect to be a leader that in spite of his high-handed action the poor he tries to persuade them by giving temptation. He has forgotten that he demolished the huts of Turha community and brought into existence Ram Ashray Nagar. The walls of Ram Ashray Nagar have been built by the mortar prepared with the blood of the poor!
8. He has obtained a sum of Rupees one lakh for contesting the election. Has he received this money from his English father or from his step brothers, who in spite of being Congressmen have become deserters today? When he cannot give more than Rs. 50/- to his unworthy sons for their expenses, it is not understandable as to how he has become so lavish in expenses.

9. It is known to the people that he has taken three lakhs of rupees in the name of cold storage after practising fraud upon the Govt. and after converting his old house into cold storage he allowed thousands of maunds of potatoes belonging to the shopkeepers to rot therein and when being asked to pay the compensation for the loss, he is threatening them and they have no chance at all of getting back their money. He has embezzled thirty thousand rupees of the fund of the school about which a report has been already sent to the authorities. Not only this much, but the Balika Vidyalaya had to be closed on account of his keeping the mistress with himself. The entire public of Dalsingsarai denounces his mean temperament.

10. There are many instances of his misdeeds which will be brought to light in bulletin No. 2. Being the residents of Dalsingsarai it becomes our duty to acquaint the public of Samastipur and Warisnagar also with the actions of a wrong-doer like him.

Public of Dalsangsarai Area."

In my opinion, strong evidence is necessary to prove that Banwari Babu could have distributed such leaflets, to besmirch the reputation of a candidate contesting his father, in order to promote his interest. It is admitted by the appellant (P.W. 123) that respondent No. 1 had contested the elections from this Parliamentary constituency in 1952 and 1957 and he had been elected on both these occasions. It is difficult to hold that Banwari Babu would have taken actual part in distributing such leaflets, for a candidate who was so favourably placed. Moreover, I have dealt with the allegations made against Banwari Babu for having distributed these leaflets at nine places. If new Annexure B is looked into, it will be found that allegations had been made therein that over and above these places, Banwari Babu had himself distributed leaflets at three more places on the 17th February, at one more place on the 22nd February, at five more places on the 24th February, 1962, and at one more place on the 25th February, 1962. It is highly improbable that this would have been done by a well-known person, openly, without fear of consequences.

25. *Distribution by Satyapal Mishra*.—According to the appellant's case, Satyapal Mishra (R.W. 7) had distributed leaflets like Exhibit 2 at Dalsingsarai on the 21st February, 1962. Two witnesses have been examined in this connection, who are P.Ws. 66 and 93. According to P.W. 66, he had received leaflets like Exhibit 2 from R.W. 7 near the Chowk at Dalsingsarai. He read it and found it full of abuses and he destroyed the leaflet received by him. After the election he reported the matter to Hemant Babu. This witness has also deposed that he had received some other kinds of leaflets in Hindi during the election, but he did not remember the whole of the contents thereof, nor did he remember from whom he had received them and when. He has also admitted that he could read Hindi by concentration. Therefore, it is very difficult to understand how this witness would still remember the contents of the leaflet that he had got from R.W. 7 in this case. He has admitted that he had no interest in the appellant's case, and he was not interested in his success or failure. He was not acquainted with the workers of the appellant. In these circumstances, it is difficult to understand why he should have reported the matter to Hemant Babu. About reporting the matter, this witness has deposed that he had not gone to the appellant's house but he had met Hemant Babu on the road at Dalsingsarai accidentally and had reported the matter to him. It is impossible to accept this kind of evidence as true. P.W. 93 has also not fared any better. He had read the leaflet obtained by him from R.W. 7 and he had thrown it away. He has also deposed that he received two or three leaflets from other parties, but he did not remember who gave them to him and when. He did not remember the contents of those leaflets. When pressed in Court, he stated that he could not reproduce the full contents of Exhibit 2. Moreover, there is no indication in the evidence of this witness as to how Hemant Babu came to know about this matter. Satyapal Mishra (R.W. 7) has categorically denied the allegations made by these two witnesses on behalf of the appellant. Learned counsel for respondent No. 1 has drawn our attention to the evidence of R.W. 7 to the effect that in the defamation case filed by him against the appellant [a matter which has been referred to by me while dealing with the evidence of P.W. 26 in connection with the appellant's case of printing of these leaflets] P.W. 93 and his father had deposed against him. It is, therefore, urged that P.W. 93 has been falsely set up to support this part of the case. This contention may be speculative; but, be that as it may, I am of the opinion that the

evidence adduced on behalf of the appellant to prove distribution of leaflets by Satyapal Mishra (R.W. 7) cannot be accepted as true beyond reasonable doubt. It may be mentioned that in connection with the appellant's case of printing of leaflets also, allegations have been made against Satyapal Mishra (R.W. 7), and I have disbelieved the appellant's case about this matter.

26. *Distribution by Makkhan Lal Surekha (R.W. 8).*—In this connection, only one witness has been examined on behalf of the appellant to prove that R.W. 8 had distributed these objectionable leaflets in Dalsingsarai in the morning of the 21st February, 1962. He is P.W. 75. According to this witness, in the morning of the 21st February, 1962, he was chewing *Datwan* in front of the door of the Gaddi where he worked, when R.W. 8 came and gave him a printed leaflet. He had read it and had destroyed it. The leaflet was exactly like Exhibit 2. It is not possible to accept the evidence of a single witness in this connection when R.W. 8 has denied the allegation. Moreover, P.W. 75 has stated that he had received two or three kinds of leaflets at Dalsingsarai, but he did not remember from whom he had received them and when. He did not remember their contents. It is, therefore, difficult to understand how he had remembered about this particular distribution. According to R.W. 8, he was a polling agent for respondent No. 1, and it is difficult to hold that he would go for distribution of leaflets on the 21st February, 1962, which was the day of polling. This part of the case of the appellant must also fall.

27. *Distribution by Jagdish Prasad Choudhary (R.W. 9).*—It is alleged that Jagdish Prasad Choudhary (R.W. 9) had distributed these leaflets in Keonta on the 21st February, 1962. Two witnesses have been examined on behalf of the appellant on this point, and they are P.Ws. 64 and 65. According to P.W. 64, at about 7 A.M. he had seen R.W. 9 and two other persons named Bhola Prasad Choudhary and Kapildeo Choudhary distributing leaflets and this witness got one from R.W. 9. In the same evening he had gone to the appellant's house with the leaflet, but he had not met any member of the appellant's family there. He, however, handed over this leaflet to Sri Silwant Choudhary, another son of the appellant, on the 23rd February, 1962. There is no evidence on the record as to what had happened to this leaflet and as to what Sri Silwant Choudhary had done with it. Sri Silwant Choudhary has not been examined as a witness in this case. This aspect of the matter is rather difficult to accept, because if the witness had gone to the house of the appellant on the 21st February, there was no reason why he had not left the leaflet in the appellant's house, because admittedly, he had met some person or persons there. P.W. 64 has deposed that on the 23rd February, he was going to Samastipur and on the *Chouraha* he had met Silwant Babu and made over the leaflet to him. This is difficult to accept. The witness had preserved this leaflet, but he made no attempt either on the 22nd or on the 23rd February to see that the leaflet reached the appellant, and it was a matter of accident that he met Silwant Babu, while he was going to Samastipur to take out copies of some documents. This witness has further deposed in cross-examination that Silwant Babu told him that he would go to Samastipur and file a complaint regarding this leaflet. There is no evidence of any such thing having been done. Furthermore, according to P.W. 64, he had cast his vote and had reported about receipt of the leaflet to one Ramudgar Choudhary (who has not been examined), who was the appellant's polling agent. 21st February was the polling day in this place, and it is impossible to believe that if this case be true, the polling agent would have kept quiet. Then, this witness has also admitted that he had received three or four other kinds of leaflets during the election, but he did not fully remember who gave them to him and where. He did not remember their contents either. It is difficult to rely upon the testimony of such a witness. P.W. 65 has also deposed in the same strain about the distribution by R.W. 9 and Bhole Choudhary and Kapildeo Choudhary. According to him these three persons had gone to his house and had asked him to cast vote and had given him a printed leaflet like Exhibit 2. He destroyed it, but later on, he reported the matter to Ramudgar Choudhary. It appears that this witness had once before deposed on behalf of the appellant and had also sworn affidavit on his behalf, and he had considered it necessary to report about the distribution of leaflets to Ramudgar Choudhary at the polling booth. If he was going to take such steps, it is difficult to appreciate why he would have destroyed the leaflet given to him, after reading it. In my opinion, the evidence of this kind is also unacceptable. The evidence of P.W. 88 with respect to the alleged distribution by R.W. 9 on the same day in Bajidpur has not been relied upon by learned counsel for the appellant. On behalf of the contesting respondent, R.Ws. 74, 85 and 86 have been examined to deny such

distribution by R.W. 9. R.W. 9 has himself denied the allegations made against him. It may be reiterated that in connection with the alleged printing of these leaflets, complicity of R.W. 9 had been alleged, but this part of the case has not been accepted by me. He was a polling agent of Sri Balchshwar Ram, and, in my opinion, it is difficult to hold that such a person would be openly distributing the leaflets complained of.

28. *Distribution by Ramakant Mishra (R.W. 11): Distribution at Birsinghpur.* It is alleged by the appellant that R.W. 11 had distributed these leaflets on the 22nd February, 1962, at Birsinghpur and Kalyanpur. One witness has been examined on behalf of the appellant to prove distribution at Birsinghpur. He is P.W. 95. According to P.W. 95, Ramakant Mishra (R.W. 11) had come at 10 A.M. and had distributed leaflets, one of which the witness had got and it was like Exhibit 2. After reading it, he tore it up. The evidence of this witness appears to be quite unsatisfactory, because according to him, he had received several other leaflets of other parties during the election, but he did not fully remember their contents or the names of the distributors or the points of time when they were distributed. Learned counsel for respondent No. 1 has argued that according to this witness, Hemant Babu had gone to him on several occasions for votes, and it may be that such a witness has now been examined to make out a false case. Whatever may be the substance of this contention, it is difficult to accept the evidence of this witness on its own merit. Two witnesses have been examined to rebut this evidence and they are R.W.'s 50 and 52. There is no need to elaborate this kind of negative evidence.

29. *Distribution at Kalyanpur.*—Then, to prove the alleged distribution at Kalyanpur, P.W.'s 40, 41, 42 and 43 have been examined on behalf of the appellant. P.W. 40 states that he had got a leaflet from R.W. 11, which was like Exhibit 2, and he reported about this matter to Hemant Babu 4-5 days later. But the witness does not make it clear as to what he had done with the leaflet obtained by him. According to him also, he had received many other kind of leaflets, but he did not remember their contents. He has gone so far as to say that in the evening of the 22nd February he had met respondent No. 1 at Kalyanpur and he had complained to him about these leaflets. This evidence is unacceptable. Learned counsel for respondent No. 1 has urged that a witness for the appellant, namely P.W. 95 has admitted that P.W. 40 was a worker of the Swatantra Party, and, therefore, the evidence of this witness should be rejected. It does seem that P.W. 40 is not a disinterested witness; but, in any event, I am not in a position to accept his evidence as true. P.W.'s 41, 42 and 43 have given more or less identical evidence by saying that they had received leaflets from R.W. 11 and a few days later, they had reported about the matter to Hemant Babu. Not one of these witnesses has made it clear as to why they reported this matter to Hemant Babu if all of them had destroyed the leaflets obtained by them after reading the same. P.W. 41 states that he had received many other kinds of leaflets during the election, but he did not remember the contents of those leaflets. Similarly, P.W. 42 had also received four or five other kinds of leaflets. But he did not remember the contents of those leaflets. P.W. 43 also states about distribution of other kinds of leaflets on behalf of other parties, but he did not know who had distributed those leaflets and when and on whose behalf they had been distributed. It is very difficult to hold that the allegations of distribution of leaflets at Kalyanpur by R.W. 11 can be accepted on the evidence of such witnesses. On behalf of the contesting respondent R.W.'s 28 and 51 have been examined to disprove these allegations. Whatever may be the worth of such negative evidence, Ramakant Mishra (R.W. 11) has himself denied all these allegations. He was a polling agent and a counting agent of respondent No. 1. According to him, he was in his own village, named Mohamadpur, on the 22nd February and he never distributed any leaflet on that day in the two villages, 20 miles away from his village, as alleged. I do not see any reason to disbelieve R.W. 11 when the evidence led by the appellant had been found to be unacceptable.

30. *Distribution by Damodar Choudhary (R.W. 61).*—It is alleged by the appellant that R.W. 61 had distributed these leaflets on the 21st February at Dalsingsarai. In this context, one witness has been examined on behalf of the appellant, and he is P.W. 68. According to this witness, housed to live at a place three miles away from Dalsingsarai, and on the 21st February,

at 7 a.m., R.W. 61 had gone to his shop and had given him a printed leaflet like Exhibit 2. He had destroyed it. This witness has admitted in his cross-examination that his cycle repairing shop at Dalsingsarai was situated in a room rented from the appellant. In spite of this, the witness has not given any indication as to whether he had mentioned about the leaflet to the appellant or to anyone connected with him or not. 21st February, 1962 was the polling day at Dalsingsarai and P.W. 68 has deposed that other leaflets were distributed on the polling day. Many other leaflets had been distributed earlier. But when pressed, this witness stated that he did not fully remember who distributed the other leaflets and when and what were the contents of those leaflets. In these circumstances, it is not possible to accept the evidence of P.W. 68 to the effect that R.W. 61 had distributed any leaflet like Exhibit 2 at Dalsingsarai. R.W. 61 was a polling agent for Shri Baleshwar Ram, who was a candidate for the State Assembly from this constituency, and it is highly unlikely that such a person would have openly distributed objectionable leaflets. He has denied such distribution and there is no reason to disbelieve him. Learned counsel for respondent No. 1 has drawn our attention to the evidence of R.W. 61, where he has stated that the appellant as Chairman of the Union Committee had brought a case against the father of R.W. 61 which had been dismissed with a stricture against the Chairman. It is argued that for this reason R.W. 61 has been falsely implicated. This may very well be true, and in my opinion, it has not been established that R.W. 61 had distributed these leaflets as alleged.

31. *Distribution by Sitaram Pankaj (R.W. 65): Distribution at Maniarpur.*—It is alleged that R.W. 65 had distributed these leaflets in Maniarpur and Ghatho on the 21st February, 1962 and in Chand Chouk on the 22nd February, 1962. The appellant's witnesses examined to prove distribution in Maniarpur are P.W.'s 22 and 23. P.W. 22 has deposed that he was going to cast his vote, and on the way, at Pattiabtoli, he met R.W. 65, who was distributing leaflets. The witness got a copy, which was like Exhibit 2. The time was about 8 a.m. It is difficult to accept the evidence of this witness, because, according to him, he had obtained three or four other kinds of leaflets during the election, but he did not remember the contents of all of them or from whom he had received them. Therefore, there does not appear to be any reason why he could remember the contents of the leaflet that he had obtained from R.W. 65. As a matter of fact, in cross-examination, P.W. 22 stated that he did not know the place of residence of R.W. 65, nor did he know his father's name. He never heard other people saying that the person distributing leaflets was Sitaram Pankaj. The evidence of this witness to prove the allegation against R.W. 65 is unacceptable. P.W. 23 has also deposed about distribution of leaflets by R.W. 65. He was a polling agent of Munnilal Das, who was a candidate for the Assembly election in that year, and he had supported respondent No. 2 for the Parliamentary seat. He had made propaganda, as he states, for the defeat of the Congress and the Swatantra Party candidates. Such a person has deposed that he had received several other kinds of leaflets during the election, but he did not remember from whom he received them nor did he remember the dates on which he received them. It is difficult to believe that he would remember everything about the distribution by R.W. 65, as he states. He has deposed that the polling took place on the 21st February, and he was returning home after getting the boxes sealed in the polling booth at Maniarpur. Learned counsel for respondent No. 1 has urged that admittedly it was the duty of the polling agents to check the bogus voting during the polling, as the witness himself states, but according to him, he did not perform this function, but returned after the boxes had been merely sealed. It is argued that this evidence cannot be true, and this witness could not have been present on the road for witnessing distribution by R.W. 65, as alleged. This argument is not without force and the evidence of P.W. 23 must be rejected. R.W. 68 has been examined to rebut the appellant's case of this distribution. But, it is not necessary to deal with this evidence in any further detail, as the evidence of the appellant's witnesses has been disbelieved.

32. *Distribution in Ghatho.*—Only one witness has been examined in connection with the allegation of distribution of leaflets in Ghatho by R.W. 65. He is P.W. 34. He was Mukhiya of Ghatho-Banghara Gram Panchayat. According to this witness, on the 21st February, 1962, R.W. 65 had given him about 25 leaflets for distribution. He had kept them without distributing any. On the face of it, it is difficult to accept that R.W. 65, a polling agent for respondent No. 1, would have distributed such leaflets openly and would have given a number of

leaflets to a Mukhiya for distribution. P.W. 34 has also deposed that he had received four or five kinds of leaflets during the election, but he did not remember the entire contents thereof. P.W. 34 has not explained what he did with the leaflets received by him, although he has stated that one week after the election, he had complained about this matter to Jaswant Kumar, a son of the appellant. This he states he had done when he had met the appellant's son accidentally on his way to Samastipur. This evidence is also unbelievable. On the evidence of this witness, I am not prepared to hold that the distribution in Ghatho has been established. Respondent No. 1 has examined 3 witnesses, namely, R.W.'s. 73, 75 and 76 to prove the negative. This evidence requires no separate consideration if the positive evidence adduced on behalf of the appellant is unacceptable.

33. *Distribution in Chand Chowk*.—Five witnesses have been examined on behalf of the appellant to prove distribution of leaflets by R.W. 65 in Chand Chowk, and they are P.W.'s. 60, 61 62, 63 and 74. The first four witnesses, namely, P.W.'s. 60, 61, 62 and 63, have all deposed that they had reported the matter to Hemant Babu a few days after the alleged distribution. Apparently they had so reported, because they were interested in reporting the matter. But, all of them have deposed that after getting the leaflets from R.W. 65 and after reading them, they had destroyed the leaflets. This conduct is wholly ununderstandable. P.W. 60 had received two or four other kinds of leaflets during the election, but he did not remember the entire contents of those leaflets or the names of the persons who gave them those. P.W. 61 has also stated that he did not remember the entire contents of this particular leaflet or of other leaflets he had received during the election. According to him, he had met Hemant Babu at Dalsingsarai accidentally and had reported the matter to him. This also cannot be believed. P.W. 62 had also received two or three other kinds of leaflets, but he did not remember from whom he had received them and when. Thus, his evidence about the receipt of any leaflet from R.W. 65 becomes doubtful. This is also the nature of the evidence given by P.W. 63 about other leaflets received by him. About reporting to Hemant Babu, P.W. 63 has stated that he had met Hemant Babu on the road accidentally and had reported the matter to him. This evidence is unacceptable, because the witness says that he had no acquaintance with Hemant Babu. P.W. 74 does not seem to be a disinterested witness, because he has an Atta Mill at Dalsingsarai, and he is a tenant of the appellant as the mill is situated in the appellant's premises. P.W. 74 has also stated that he had received three or four Hindi leaflets, but he did not remember who had given them to him and when and the contents thereof. It is difficult to accept the evidence of such a witness regarding any particular distribution by a particular person at a particular time. In the result, the evidence of all the witnesses examined on behalf of the appellant to prove distribution of the questioned leaflets by P.W. 65 at Chand Chowk must be rejected. It may only be stated that R.W.'s. 49 and 58 have been examined on behalf of respondent No. 1 to rebut this case of distribution. R.W. 65 has categorically denied the allegations made against him. It may be mentioned that the allegations against R.W. 65 were of distribution in about six other villages, apart from the three places on which reliance has been placed in this Court. It is difficult to accept such wide allegations. In the result, the case of distribution of leaflets by R.W. 65 must also fail.

34. *Distribution by Shri Baleshwar Ram (R.W. 83)*.—According to the appellant's case, R.W. 83 had distributed these leaflets on the 19th February at Nagargawan, Garhsisai, Simri, Mirzapur and Bazidpur. It is also alleged that he had distributed these leaflets on the 20th February at Gospur and Rampur-Jalalpur. It is also alleged that he had distributed these leaflets on the 21st February at Pagra and Ashin Chak.

35. *Distribution in Nagargawan*.—Two witnesses for the appellant have been relied upon and they are P.W.'s 20 and 81. I have already dealt with the evidence of P.W. 20 in connection with the evidence of distribution by Banwari Babu in Mustafapur on the 17th February, 1962. I have not been able to accept the evidence of this witness in that context, and for the reasons already given, I am not inclined to accept the evidence of this witness in connection with this alleged distribution in Nagargawan. According to P.W. 81, he had seen R.W. 83 getting down from a jeep in the morning of the 19th February, when leaflets were distributed to ten or eleven persons including this witness. He read the leaflet and threw it away. P.W. 81 has stated that he had received about five other kinds of leaflets during the election, but he did not remember from whom he had received them and when. He did not fully remember the contents of those leaflets. Therefore, it is difficult to believe that this witness would remember all about the distribution by R.W. 83 in the circumstances alleged. This

evidence must, therefore, be disbelieved. On behalf of respondent No. 1 R.W. 42 (The Mukhiya of Madhepur-Nagargawan Gram Panchayat) was examined to rebut the appellant's case in this context. Learned counsel for the appellant has drawn our attention to a statement made by R.W. 42, in cross-examination, where he has stated that Sri Baleshwar Ram (R.W. 83) had distributed some leaflets in village Madhepur five days before the polling, and has argued that the evidence of the witnesses alleging distribution of the objectionable leaflets by R.W. 83 should be accepted. Learned counsel has drawn our attention to the evidence of R.W. 83 in cross-examination where he has denied distribution of this kind of pamphlet or any Congress pamphlet. According to learned counsel, therefore, R.W. 83 was not telling the truth if R.W. 42 is to be believed. It appears to me that whatever may be the contradiction between the evidence of R.W. 42 and R.W. 83 in this matter, mere distribution of some leaflets by R.W. 83 cannot go to prove that such a person would openly distribute objectionable leaflets in place after place, and on various dates. It may be mentioned here that although learned counsel for the appellant has placed reliance on the distribution by R.W. 83 in nine places, in new Annexure B the allegations were that R.W. 83 had distributed leaflets on the 20th and the 21st February in four other villages. Such wide activities must be strictly proved and no allegation can be accepted on contradictions, speculations and likelihoods.

36. *Distribution in Garhsaisi.*—To prove distribution in this village P.W. 28 has been examined on behalf of the appellant. This witness was a resident of Mathurapur and it is said that he had gone to Garhsaisi, where he has got lands. There he received a leaflet. For the reasons given below, the evidence of this witness must be rejected. In his examination-in-chief, he has stated that the leaflet that he had obtained read exactly like Exhibit 2; but when pressed in cross-examination, he has stated that "I have read here only the heading of Exhibit 2." Thus, it seems that this witness was a routine witness to speak about the distribution. According to him, he had received many leaflets during the election, but he did not remember the entire contents of those leaflets. Learned counsel for respondent No. 1 has urged that according to this witness, he knew the appellant for 40 years and he had frequently met the appellant and therefore, he has been brought to Court to support a false case. This may very well be true; but, in any case, his evidence is not fit to be accepted. R.W. 77 has been examined on behalf of respondent No. 1 to rebut this allegation. But, not much inference can be drawn from the evidence of such negative character.

37. *Distribution in Sir.-i.*—Three witnesses for the appellant have been examined in this context, and they are P.W.s. 16, 19 and 96. P.W. 16 has stated that when R.W. 83 came to distribute leaflets in this village, in a jeep, there were other people also with him. But R.W. 83 himself distributed those leaflets. This was highly unlikely and this must be disbelieved. He has stated that he had received an election leaflet issued by the appellant, but he did not remember the contents of that document and when he received it and who had given it to him. Therefore, if he had destroyed the leaflet that he had got from R.W. 83, he could not have remembered the contents thereof and the details of his distribution including the fact that the distribution had taken place at 11 A.M. on a particular day. According to him, he told about the matter to the appellant's son a few days after the distribution. But if he was interested enough to report about this matter, there is no reason why he would have destroyed the leaflet, as he states that he did. P.W. 19 has fared worse as according to him he cannot read due to defective eyesight and the leaflet obtained by him was read over to him by some other person. It is inconceivable that he would have remembered that the leaflet headed "Kal Ka Kukarmi", as he was now stated in Court. It seems that after P.W. 16 had deposed that amongst the persons in the jeep, R.W. 83 had distributed the leaflets. P.W. 19 was made to say that they "came in a jeep and distributed printed leaflets to the persons who assembled there." This seems to be a later development. P.W. 96 does not seem to be a completely disinterested witness, as he is a worker of the Praja Socialist Party during the election of which respondent No. 2 was a rival candidate. Even such a witness had to admit that other parties, candidates had also distributed leaflets, but he did not fully remember their contents nor did he remember who had distributed them and when. Therefore, the evidence of this particular distribution cannot be of any avail. R.W. 79 has been examined to rebut this alleged distribution. But, it is not necessary to deal with the evidence of such a character in further detail.

38. *Distribution in Mirzapur.*—The evidence of P.W. 15 has been relied upon in this context. In this case also, it is said that R.W. 83 had come to this village, at noon, with some others, in jeep, and R.W. 83 had distributed printed leaflets among 15 or 20 men, who were there. This was highly unlikely. According to

P.W. 15, he had received three or four other kinds of leaflets, but he did not remember what leaflets he had received and on what dates and what were the contents thereof. It is difficult to accept the evidence of such a witness for any particular distribution. It appears that this witness has been relied upon by the appellant to prove some other incident, i.e., about a speech made by respondent No. 1 in this village, and that aspect of the matter will be dealt with in due course. But, upon a consideration of the evidence of this witness with respect to distribution in village Mirzapur. I am unable to accept the evidence as sufficient. R.W.'s 37 and 57 have been examined on behalf of the contesting respondent to rebut this distribution. It is, however, not necessary to rely only on the evidence of these witnesses to prove the negative, if the evidence of P.W. 15 is unacceptable.

39. *Distribution in Bazidpur.*—Four witnesses have been examined on behalf of the appellant to prove this allegation, and they are P.W.'s 17, 38, 39 and 88. According to P.W. 17, Sri Jagdish Choudhary (R.W. 9) and Sri Baleshwar Ram (R.W. 83) had distributed leaflets in Bazidpur. [Learned counsel for the appellant has not relied upon the evidence of P.W. 17 on the point of distribution of leaflets by Jagdish Prasad Choudhary (R.W. 9) in Bazidpur on the 19th February 1962]. The only case against Jagdish Choudhary (R.W. 9) argued by learned counsel for the appellant was with reference to the distribution of leaflets in Keonta on the 21st February. P.W. 11 has also been examined to prove some other allegations against respondent No. 1, himself, to which reference will be made in due course. According to this witness, the distribution was in the bazar, where every party had its workers during the election. If this was so, it was highly unlikely that a well-known person like R.W. 83 would have himself taken such active parts as alleged. P.W. 17 has stated that he had received leaflets of many other parties, but he did not remember who gave them to him. He did not remember the contents of other leaflets, but only the headings, whereas he could depose that the leaflet distributed by R.W. 83 was exactly like Exhibit 2. This evidence is unacceptable. P.W. 38 has also deposed on another aspect of the case, as against respondent No. 1, which will also be considered in due course along with the evidence of P.W. 17 in that context. According to P.W. 38, a resident of another contiguous village, he had gone to Bazidpur on the 19th February, 1962, and he had received a leaflet from R.W. 83. No valid reasons have been given as to why he had gone to Bazidpur from another village. This evidence is, therefore, weak by itself. This witness has also deposed that he had obtained two other kinds of leaflets during the election but he did not remember the entire contents of these leaflets. Learned counsel for respondent No. 1 has argued that as this witness was acquainted with the appellant and his son since his childhood, he has been brought to support a false case. This may be true; but, in any event, the evidence of this witness is unacceptable on its own merit. The next witness, P.W. 39 has also been examined to prove another corrupt practice as against respondent No. 1 as were P.W.'s 17 and 38, which matter will be considered later. This witness was also a resident of another village and according to him, he was in Bazidpur Bazar on the day in question, when he had received a leaflet from P.W. 83. The evidence of such a chance witness can hardly be acceptable. In this case also, learned counsel for respondent No. 1 has argued that as this witness knew the appellant since his childhood, he has come to support a false case. This also may be true; but, in any event, the evidence on its own merit does not inspire confidence. The last witness in this series, P.W. 88, has also deposed that he went to Bazidpur by chance from village Sahit. According to him also, he had received three or four other kinds of leaflets during the election, but he did not fully remember who had distributed them and when and what their contents were. The evidence of such a witness can hardly be accepted as true. R.W.'s 36, 38, 81 and 82 have been examined on behalf of respondent No. 1 to rebut this allegation. But, apart from this kind of negative evidence, I have indicated that the evidence of the appellant's witnesses cannot be safely relied upon.

40. *Distribution in Gospur.*—The distribution of leaflets in this village and in village Rampur—Jalalpur were said to have taken place on the 20th February, 1962, and to prove distribution of leaflets in this village P.W.'s 37 and 76 have been examined on behalf of the appellant. P.W. 37 was not a resident of this village but of a village three miles away. According to him he had gone to Gospur to see his niece, and he had received a leaflet from R.W. 83. This witness has also deposed that he received three other kinds of leaflets, but he did not remember the dates on which he received them, nor the names of the persons who had given them. The evidence of such a chance witness on the point under consideration can hardly be accepted. According to him, he had reported this matter to Sri Silwant Choudhary, a son of the appellant, whom he knew for 10 or 15 years. If he was going to report this matter, it is unlikely that

he would have destroyed the leaflet obtained by him even after finding it to be an objectionable leaflet. P. W. 76 was of this village. He has deposed that he had received other kinds of leaflets during this election, but he did not remember their contents or as to who had given them to him and when. His evidence in the present context, therefore, must be unreliable. According to learned counsel for respondent No. 1, this witness was acquainted with the appellant since his boyhood, and he must have been examined to prove a false case. It is, however, not necessary to come to a definite conclusion on such speculation. But, the evidence of P. W. 76 is insufficient to prove the allegations against P. W. 83. The latter has denied this distribution to which reference will be made. No other witness has been examined on behalf of respondent No. 1 to prove the negative factor.

41. *Distribution in Rampur-Jalalpur.*—P. W.'s 80 and 107 have been examined on behalf of the appellant in this context and no other evidence on behalf of respondent No. 1 has been adduced except the denial by P.W. 83 himself. P.W. 80 attempted to support the allegation against Baleshwar Ram (R. W. 83) about distribution of leaflets in this village. But when pressed in cross-examination, he stated that he had not read fully the leaflets that he had obtained from R. W. 83 in this village, because another person came and took it away from him. P. W. 80 did not get it back thereafter. The evidence of such a nature cannot be accepted to prove that there was any distribution of leaflets corresponding to Exhibit 2. According to learned counsel for respondent No. 1, P. W. 80 has been examined to prove a false case, because he was well-known to the appellant. It may be so, because P. W. 80 has deposed that the appellant had gone to his village for seeking votes for himself and the appellant had met him. The witness knew the appellant and his sons and the appellant had gone to this village once before. Five or six years ago, for votes. No doubt P. W. 107 has deposed about receiving a leaflet from R. W. 83 in this village, but according to learned counsel for respondent No. 1, the witness is not at all an independent witness. That appears to be so, because P. W. 107 was selected as Up-Mukhiya of Rampur-Jalalpur Gram Panchayat by the members of the Executive Committee of the Mukhiya. The Mukhiya name Nami Mahton, has a son named Rampadarath Mahton, who had stood for election for the Assembly constituency on behalf of the Swatantra Party. According to this witness, he was in his house and on hearing the sound of a jeep he went to the Chouraha and got a leaflet. He has further stated that he used to go to read whenever a jeep arrived. This time of evidence is hardly acceptable, because he has admitted that he did not remember when other jeeps arrived at the Chouraha. In the result, the allegation regarding distribution of leaflets in village Rampur-Jalalpur by R.W. 83 must be rejected as not having been established by the appellant.

42. *Distribution in Pagra.*—P. W. 97 has been examined on behalf of the appellant to prove this allegation of distribution of leaflets by R. W. 83 in this village. The distribution is said to have taken place on the 21st February, which was the polling day there. R. W. 83 is said to have come at 10 A.M. for distributing the leaflets. According to this witness, R. W. 83 had distributed leaflets two rasis away from the polling booth. There were police officers and constables at the booth. The evidence of this kind of distribution by a well-known person must be rejected. This witness has also stated that he had received three or four kinds of leaflets during the election, but he did not fully remember their contents. According to him, he had received Communist leaflets four or five days before the polling; but he has admitted that the Communist Party had no candidate either for the Parliamentary or the Assembly seats. It is difficult to appreciate why Communist leaflets were distributed. According to P. W. 97 who was a Dafadar, he was on duty in the polling booth of his village and his duty hours were from 8 A.M. to 4 P.M. Therefore, he could not have received any leaflet at 10 a.m. as he says he did. R.W.'s 45 and 46 have been examined to rebut this allegation. But apart from the negative evidence, the evidence of P. W. 97 is, in my opinion, wholly unacceptable. In the result, the allegation of distribution of leaflets in this village must be rejected.

43. *Distribution in Ashin Chak.*—Two witnesses have been examined on behalf of appellant to prove distribution of leaflets in this village, who are P.W.'s 21 and 35. No witness for respondent No. 1 has been examined in this context, except that R.W. 83 has denied this distribution also. P.W. 21 was not a resident of this village, and according to him, he was in the shop of one Sundar Sah of Ashin Chak. The polling was on the same day as the day of the alleged distribution namely the 21st February, 1962 and P.W. 21 is said to have cast his vote at 7-30 a.m. and he got the leaflet at 12 noon. It is not possible to accept this kind of evidence of distribution on the polling day, hours after commencement of the polling. This evidence therefore is wholly insufficient. P.W. 35 was

also supposed to be in the shop of Sundar Sah at about noon when the distribution was made. For the reason given above, this kind of distribution cannot be accepted as true. This witness has also stated that he did not remember the contents of the other leaflets which he had got during the election nor did he remember who had given him those leaflets and when. Learned counsel for respondent No. 1 has argued that P.W. 35 had known the appellant's family for years and he must have been examined to support a false case. This may very well be true, because, according to the witness, he had reported the matter to Silmant Babu. But if he was going to report this matter, there was no reason why he should have thrown away the leaflet received by him. In the result, the allegation of distribution in Ashin Chak must also be rejected.

44. Sri Baleshwar Ram (R.W. 83) has categorically denied the distributions alleged against him. I do not see any reason for disbelieving this evidence, as it is unlikely that a well-known person, who was a Parliamentary Secretary and a candidate for a seat in the Assembly at that time, would have been going about distributing objectionable leaflets, so openly from village to village and day after day. If the appellant's case were true, the name of such a person would surely have been mentioned in the election petition or in old Annexure B. Learned counsel for the appellant had drawn our attention to the additional written statement filed on behalf of respondent No. 1 on the 4th July, 1963, after the amendment had been allowed by the Tribunal, and has contended that the appellant's case of distribution of these leaflets by a well-known person has not been denied in paragraph 8, where it is stated that the names mentioned in the new Annexure B were not identifiable. There is no force in this contention, because apart from the names well-known persons mentioned in New Annexure B, many names were mentioned which may not have been identified at the stage when the additional written statement was filed. For instance, in connection with distribution in Samastipur on the 21st February, 1962, it was mentioned that the distribution was by "a passenger guide". Therefore, many persons mentioned in the new Annexure B vaguely or without parentage may well have been said to be unidentifiable persons. In the result, the entire allegation of distribution by Sri Baleshwar Ram (R.W. 83) must be rejected.

45. The next item of corrupt practice, which has been relied upon by learned counsel for the appellant in this Court, is mentioned in paragraph 6 of the election petition and in old and new Annexures A. In short, the allegations are that respondent No. 1 had made speeches at three different places, on the 11th February, 1962, on the ground of caste and religion. Reference to this matter in paragraph 6 is in these words: "exhorted to Muslim voters inhabiting the constituency to vote for the Congress on the ground that they are only safe in the hands of the Congress. They also canvassed vote on the ground of casteism." [Paragraph 6 quoted earlier in full will indicate that the word "they" refers to respondent No. 1 and respondent No. 2]. So far as old Annexure A was concerned, the only reference to this matter was in item No. 8, implying that respondent No. 1 and other had given speeches in village Sahit only. In new Annexure A two more items were added under item No. 9, meaning that respondent No. 1 had given speeches also at Mirzapur and Panr. It may be mentioned that neither in old Annexure A nor in new Annexure A there is any indication as to whether speeches were based on caste and where any speech had been based on religion, if any. This has been developed in evidence led before the Tribunal, showing that speeches in Sahit and Mirzapur were appeals to Rajput and the speech at Panr was an appeal to Muslim voters.

46. *Speech at Sahit.*—Three witnesses have been examined in this connection, who are P.W.'s 17, 38 and 39. According to Hemant Babu, P.W.'s 38 and 39 had reported to him about this event. Apart from the fact that the evidence of P.W.'s 17, 38 and 39 has not been accepted by me regarding distribution of the objectionable leaflets by Sri Baleshwar Ram in Bazidpur, I am of the opinion that the evidence given by these three witnesses about the speech at Sahit is wholly unacceptable. According to P.W. 17, 10 days before the polling there was a meeting at 4-30 p.m. which was at first addressed by Satyapal Mishra (R.W. 7) and Rameshwar Singh (R.W. 26). The latter spoke first and abused the appellant as "a broker of the English" and appealed to the persons present to vote for respondent No. 1, who was a Rajput. This witness has gone so far as to say that R.W. 26 abused even the female members of the appellant's family. Then R.W. 7 spoke in the same strain, and finally, respondent No. 1 addressed the meeting, supported the statements of the other two speakers and asked the people to vote for him. In my opinion, this evidence cannot but be termed as false. It is impossible to believe that speaker after speaker had addressed a meeting consisting of Rajputs and people of other caste and not only abused the appellant but the female members of his family also. It is impossible to believe that respondent No. 1 in his enthusiasm to ask for Rajput votes would have gone to the

extent of supporting the speakers who had abused the appellant and the female members of his family. The evidence given by P.W. 38 is more or less of the same kind. He has furthermore added that R.W. 26 said that as the appellant was appealing to Bhumihars for votes, the Rajputs should vote for respondent No. 1 R.W. 7 had abused the appellant "naming him a Dalal of the British and as having oppressed the poor". Respondent No. 1 is said to have supported these statements in the meeting where 250-300 people were present. In my opinion, the evidence of this nature has to be stated to be rejected as entirely false. P.W. 39 has deposed practically in the same manner. For the same reasons, evidence of this nature must be rejected. In my opinion, no reasonable person or persons could have taken such part in public meetings vilifying a rival candidate and the female members of his family. It appears that there was a meeting at Sahit on this day, in which respondent No. 1 had spoken and entirely false colour has been given to this matter on behalf of the appellant. Respondent No. 1 has deposed that he had never appealed to Rajput voters on caste basis in any meeting. In every meeting he was the first person to address and in his presence nobody had appealed to Rajputs on caste basis at Sahit. In the meeting at Sahit he had never made any speech as alleged. The other evidence adduced on behalf of respondent No. 1 about this meeting at Sahit is as follows: R.W. 59 has deposed that there was a meeting at Sahit, which was presided over by his father named Jamuna Prasad, and respondent No. 1 had addressed that meeting. He was the only speaker and he had asked the assembled people to support the Congress. Respondent No. 1 had not asked for votes from Rajputs on caste basis. This evidence has been supported by R.W. 7. R.W. 25 has denied that he had spoken at all in this meeting. All other allegations against the speakers have been denied. According to R.W. 26, the meeting was addressed by respondent No. 1 alone. This evidence has been supported by R.W.'s 36 and 38. It appears to me that the evidence given on behalf of respondent No. 1 must represent the truth as to what must have happened at Sahit and the evidence led by the appellant's witnesses must be disbelieved.

47. *Speech at Mirzapur.*—It will appear presently that respondent No. 1 had gone via Mirzapur to Sahit and the allegations made on behalf of the appellant have been made through the mouth of three witnesses, who are P.W.'s 15, 18 and 77. The evidence of P.W. 15 has already been rejected where he has deposed about distribution of leaflets by Sri Baleshwar Ram in Mirzapur. But apart from this, his evidence in the present context must also be rejected. According to this witness, what had happened was that a few days before the polling R.W. 77 had come to Mirzapur and had said that there would be a meeting at 9 A.M. on the next day. This would be addressed by respondent No. 1 and R.W. 77 asked all the Rajputs to attend the meeting. This meeting was addressed by respondent No. 1 at about 9 a.m. and respondent No. 1 had said that the appellant was a Bhumihar and was appealing to the Bhumihar for votes and, therefore, all Rajputs should combine and vote for him. According to this witness, respondent No. 1 had come there with R.W. 26 and others. Apart from the fact that such witnesses have admitted that they had never made any note of the speeches they had heard. On the face of it, the evidence given by these witnesses seems to be highly improbable. In my opinion, it is highly unlikely that any appeal in this manner would have been made by respondent No. 1 so openly and so barefacedly. P.W. 18 has deposed practically in the same manner, P.W. 77 has made an attempt to corroborate the evidence of the other two witnesses and according to him, respondent No. 1 had appealed to the Rajputs to vote for him as a Rajput. As against this, I am of the opinion that what respondent No. 1 and his witnesses have spoken, represent the true state of affairs. According to respondent No. 1, on his way to a meeting at Sahit he was welcomed at a School at Mirzapur and he was garlanded there. He had just got down for a few minutes but he did not address the assembled people. Respondent No. 1 had been requested to look at the condition of the school, which he did. This evidence is supported by R.W.'s 26, 37 and 57. According to the R.W. 26, he had accompanied respondent No. 1, and on the way to Sahit, respondent No. 1 had been welcomed at Mirzapur and had been garlanded there. No speech had been delivered there. The respondent No. 1 has spoken a few words to the people welcoming him and had asked them to have faith in Congress. R.W. 37, a resident of Mirzapur, has also stated that while respondent No. 1 was passing through this village, he was stopped by the villagers and he spoke of the achievement of the Congress and asked the people to support the Congress. This evidence has also corroborated by R.W. 57 a resident of Mirzapur. Therefore, I am of the opinion, that this event has also been exaggerated on behalf of the appellant and an entirely untrue case has been made out.

48. *Speech at village Panr.*—It is alleged that on the 11th February, 1962, in the evening, respondent No. 1 had addressed a meeting, consisting of large number of Muslims, appealing to them for votes. The witnesses examined on behalf

of the appellant in this connection are P.W.'s 24, 27, 30, 31, 32 33 and 78. It appears from the evidence of the witnesses examined on behalf of respondent no. 1 in this behalf, that, at some time there was a meeting at Panr, which had been addressed by respondent no. 1; but the actual allegations made on behalf of the appellant are denied. P.W. 24 has stated that there was meeting of about 200 persons of whom 100 were Muslims and respondent no. 1 addressed the meeting a first of all, praising the Congress and saying that Congress favoured and helped the Muslims. According to this witness, not only respondent no. 1 called upon the Muslim voters to vote for the Congress Party, he has also said that if any other party came into power, the Muslims would have to leave India for Pakistan. This witness has deposed that about 20 days after this meeting, he reported about this matter to Silwant Kumar, son of the appellant. If this were true, then it is impossible to hold that in original Annexure A no reference would have been made to any speech given by respondent no. 1 at Panr. Then, P.W. 24 has stated that he had attended a meeting at Samastipur addressed by the late Pandit Jawaharlal Nehru, but the witness could not give the date or year of that meeting, nor could he say what address was given by the late Prime Minister. If a person attending a meeting addressed by the late Prime Minister could not remember what he had said, he could not possibly have remembered what respondent no. 1 had said in this meeting in question, in my opinion, the evidence of P.W. 24 is not acceptable and it seems that the evidence given by respondent no. 1 and his witnesses (R.W.'s 43 and 44) has given a correct version of what might have happened at Panr at sometime during the election. The evidence of P.W. 27 is more or less in the same tenor, except that according to him, what respondent no. 1 had said was not identical with what P.W. 24 has deposed. According to P.W. 27 what respondent no. 1 had said amongst other things, was that if any party other than Congress came to power, the Muslims would be exterminated. It is difficult to believe that a responsible person like respondent no. 1 would have made such categorical statements, addressing a meeting of hundreds of persons. P.W. 30 is a Muslim and the Mukhiya of the Gram Panchayat at Panr. He has also deposed in similar vein and he has added that after this meeting, Sitaram Pankaj (R.W. 65) called him and took him to respondent no. 1, who appealed to him as the Mukhiya to support him. Respondent no. 1 has denied this matter and he has added that he does not remember to have met any Mukhiya named Musteq Ahmed (P.W. 30) at Panr and he denied that he had appealed to P.W. 30 personally to help him as a Muslim. Between these two versions it is not possible to accept the evidence of P.W. 30, as it is highly unlikely that what he states could have happened. P.W. 31 has also deposed in the same manner, saying that respondent no. 1 had said that if any other party came into power, the Muslims might have to go to Pakistan. This witness had not attended any other meeting during the election. He has been admitted that he had never attended any meeting in his life excepting this one. Therefore, it is difficult to accept that he would remember the particular speeches made by anybody in any particular meeting. The version given by P.W. 32 is that respondent no. 1 had told the Muslims that they should vote for the Congress, and if they voted for any other party, they would have to go to Pakistan. It is clear that this witness has spoken whatever has come to his mind, as he could not have heard such a version, that if only the Muslims voted for any party other than Congress, they would have to go to Pakistan. According to P.W. 33, the speech was that if the Congress were defected, the Muslims would have to go to Pakistan. This witness has also stated that he had no occasion to attend any meeting of any other party at any time. Respondent no. 1 had spoken for 15 to 20 minutes; but this witness did not remember all that was said during the speech. Therefore, the evidence of such a witness is wholly unreliable. P.W. 78 is a Muslim and according to him, the speech was to the effect that if the Congress did not come in power, the Muslims would have to go to Pakistan. This and the other witnesses, mentioned above, have tried to make out that about half the number of persons who had attended this meeting were Muslims and respondent no. 1 had taken the opportunity of addressing the Muslims on the basis of religion. But even according to P.W. 78, people of all castes resided in this place, and it is not possible to hold that such a meeting had such proportion of Muslims that respondent no. 1 would have made this kind of appeal. This witness also could not remember the entire speech of respondent no. 1, and according to him, he had not attended any other election meeting. The evidence of such a witness, who deposes from memory, cannot be safely relied upon. I have referred to two of these witnesses, namely, P.W.'s 30 and 78, as persons following the Muslim faith only because learned counsel for the appellant has drawn our attention about this and has urged that the evidence of these two Muslim witnesses should be accepted. But, in my opinion, the evidence given by respondent no. 1 and his witnesses is preferable. It has been elicited from the cross-examination of R.W.'s 43 and 44 that a meeting at Panr, addressed by respondent no. 1, during the election, was attended by 4000—5000 persons. In my opinion, this was more likely that what had been stated by the appellant's witnesses.

The allegations made against respondent no. 1 have been denied by both these witnesses. Even if it be held that R. W.'s 43 and 44 could not have remembered what was spoken by respondent no. 1 in this meeting, the evidence given by respondent no. 1 (R. W. 90) must be accepted as correct. As a matter of fact, his evidence has all the elements of truth, as he has frankly stated that he did not exactly remember whether he had addressed a meeting at Panr, but he might have addressed a meeting. He was, however, absolutely sure that in no meeting he told the Muslims to vote for the Congress, otherwise they would have to go to Pakistan, if any other party came in power. It appears, that, at the time of filing new Annexure A, the fact of a meeting at Panr was found out and now a case has been developed by the appellant to the effect that respondent no. 1 had appealed to the Muslims there on the basis of religion. This aspect of the case cannot but be disbelieved.

49. The next allegation made against respondent no. 1 contained at the end of paragraph 10, quoted above. That is to say, it is alleged in the election petition that he had laid the foundation-stone of a bridge on the 8th February, 1962 village Chandsurarl, where he canvassed for votes, promising that he would construct a bridge over river Balushi there at his own cost. According to learned counsel for the appellant, this kind of canvassing is a corrupt practice within the meaning of section 123(1)(A)(b) of the Act. This matter was not mentioned further in old Annexure D, but new Annexure D (item no. 4) has made a reference to this. The witnesses examined in this connection on behalf of the appellant are P. W.'s 83, 84, 85 and 94. It will be noticed that according to the election petition and the evidence of these witnesses, respondent no. 1 had promised to build a bridge at his own cost. This is something impossible to believe. In my opinion no sane person could have made such a promise with any hope that he would be believed. But apart from that, there are such glaring contradictions in the evidence led in this case on behalf of the appellant, that the case must be rejected. According to P. W. 83, what respondent no. 1 had done, apart from making an appeal, was that after saying that he would build a bridge at his own cost, he went to the river bank and laid the foundation-stone. It was elicited from his cross-examination that respondent no. 1 dug a hole in the river-bank with his own hands and himself put in 25 or 30 bricks, which had been brought there under his orders. Apart from the inherent improbability of this having happened, it was elicited from P. W. 85 in cross-examination, that, there was a mason near respondent no. 1 and, "He dug the earth and made a hole. The same man put in bricks, I cannot give his name." Obviously, in this context, P. W. 85 was referring to the making of the hole and putting in of the bricks by the mason and not by respondent no. 1 himself. According to P. W. 85, respondent no. 1 had gone to the river bank by a jeep and other people had walked up there. It was elicited from the cross-examination of P. W. 84, that respondent no. 1 had gone to the river bank on foot and he returned from there to the library on foot. The reference to this library will be apparent in due course. According to P. W. 84, respondent no. 1 had gone to the river bank and had laid the foundation of a bridge with bricks, Surkhi and lime, and returning to the library, he promised to construct the bridge soon at his cost. I am not in a position to accept this kind of evidence. It has been elicited from P. W. 85, that about 2 or 3 miles away from his village, Suroli, there is a bridge across river Baluahi, in village Bansithi. In my opinion, the witnesses for respondent no. 1 have given the true version as to what must have happened in this context. R. W. 17 has deposed that ten or eleven days before the polling, on the 18th February, 1962, there was a meeting at Chandourari, which had been addressed by respondent no. 1. This witness was the Vice-President of a Pustakalay Sangh and the meeting had been held in the ground of the Pustakalay with his permission. This witness had read a welcome address and had requested respondent no. 1 to open the new building of the Pustakalay. This had been done. No reference was made to any bridge on river Baluahi or any promise to build a bridge on it. This evidence has been corroborated by R. W. 18, and R. W. 19 has stated that he had presided over that meeting. Respondent no. 1 had categorically denied that he had made any promise at a meeting at Chandourari that he would construct a bridge over river Balushi at his cost. He has frankly conceded in his examination-in-chief that he had no recollection of the fact that he had gone to the river bank and had laid the foundation-stone of such a bridge. In cross-examination he had stated that he inaugurated some function at Chandourari but he did not remember as to what it was. In my opinion, the evidence of respondent no. 1 has the stamp of truth and the evidence of his witnesses must be accepted as correct. R. W. 17 has stated in his cross-examination that there was a bridge half a mile off river over this river, and it was also elicited from R. W. 18 that there was already a bridge on this river. This was also elicited from R. W. 19. Therefore, I am of the opinion, that the allegations made on behalf of the appellant in this respect are entirely unacceptable.

50. The next allegation made on behalf of the appellant is with reference to bribery to Harijans for giving votes to respondent no. 1, on the 17th, 20th, 22nd and 24th February, 1962. This matter has been mentioned at the end of paragraph 10 of the election petition as "other inducements offered by respondent No. 1 or on behalf of respondent No. 1", as enumerated in old Annexure D. Old Annexure D has mentioned the names of a number of persons, of different villages, who were supposed to have been bribed for giving their votes to respondent No. 1. In new Annexure D, this matter has been mentioned in item No. 3. There is a difference in this context between old Annexure D and new Annexure D, which is to the effect that in old Annexure D, respondent No. 1 was also mentioned as one of the bribe-givers. In item No. 3 of the new Annexure D it has been mentioned that Harijans had been bribed for giving votes to respondent No. 1, by his election agent, other agents and workers. [Item No. 3(k) with reference to some allegation made against respondent No. 1 himself has not been permitted to be incorporated and, therefore, this point does not arise]. Learned counsel for the appellants has placed his case in the light of Harijans being bribed by the agents and workers of respondent No. 1. The alleged bribery is said to have taken place in three villages, namely, Kalyanpur, Sahit and Pagra. With respect to village Kalyanpur, the evidence of only one witness for the appellant has been relied upon by the learned counsel for the appellant, who is P.W. 5, and he has stated that he would not rely upon the evidence of P.W.s. 67 and 69 in this context. According to P.W.s. 5, one day before the polling, Banwari Babu and Gobardhan Bhai Patel (R.W. 27) went to him at 8 p.m. in the night and paid him Rs. 150 and asked him to persuade the Mehtar voters to vote for respondent No. 1. On the day of polling he procured many Mehtar voters in the night and took them to the booth in the morning. This evidence appears to be an after thought, because in new Annexure D, under item No. 3(b). It was mentioned that Banwari Babu and R.W. 27 had bribed P.W. 5 on the 12th February, 1962. The impression from this is that P.W. 5 had been bribed Rs. 150 to vote for respondent No. 1. Now a new case appears to be made out that P.W. 5 was given Rs. 150, so that he would persuade the Mehtar voters to vote for respondent No. 1. P.W. 5 has now tried to make out that he gave Rs. 2 each to a number of Mehtar and retained Rs. 12 for himself. On the evidence of this witness, I am not prepared to hold that the allegation made in new Annexure D in this context can be accepted as true. Both Banwari Babu and R.W. 27 have categorically denied this and there is no reason to disbelieve their evidence. Then, the evidence of P.W. 4, a resident of village Bajargavan, has been relied upon to prove that one Rajendra Singh went to him on behalf of respondent No. 1 and asked him to persuade the Musahar voters to vote for respondent No. 1, promising to pay him Rs. 250. One day before the polling, Rajendra Singh went and paid this witness Rs. 250, which he distributed amongst the voters. I may mention that the name of this witness has been mentioned in old Annexure D, without mentioning in which village this had happened. In new Annexure D, item No. 3(f), it is mentioned that Rajendra Singh had given Rs. 250 to P.W. 4, of village Balkishunpur, on the 20th February, 1962. The impression that one can obtain from this portion of new Annexure D is that P.W. 4 himself was bribed for giving his vote. Now a new case has been made out to the fact that a Musahar was given Rs. 250, so that he could get the Musahar voters by bribing them. This allegation must be rejected. For the next allegation, reliance is placed on the evidence of P.W. 10, to show that in Sahit, Tirpit Singh (R.W. 59), son of Jamuna Singh, had paid this witness Rs. 100 for distribution among the voters to vote for respondent No. 1. This witness is a Dusadh by caste and he stated that he distributed the sum to voters, retaining Rs. 20 for himself. I may mention that the name of P.W. 10 has been mentioned in old Annexure D, without stating where any event had taken place. But, in item No. 3(g) of new Annexure D it is mentioned that R.W. 59 had bribed P.W. 10 of Khan Mirzapur, on the 20th February, 1962, an amount of Rs. 100. The impression is again to the effect that P.W. 10 himself had been bribed Rs. 100. Now, a new case has been made out through P.W. 10. R.W. 59 has categorically denied the allegations made against him. The next incident relied upon, is based on the evidence of P.W.s. 11 and 13. Both these witnesses were residents of village Pagra. P.W. 11 has deposed that one Nem Narain Singh, a worker for respondent No. 1, had sent for him on the day before polling at 7 a.m. and paid him Rs. 200, asking him to distribute the money among the voters on the next day, so that they might vote for respondent No. 1. In the night, this witness distributed the money among 70 or 75 Harijan voters, retaining Rs. 50 for himself. Next day, he took the voters to the polling booth. It has appeared from the evidence of P.W. 113, that Nem Narain Singh was the polling agent of respondent No. 1 in Pagra booth. This matter is mentioned in item No. 3(a) of new Annexure D. But, again, the impression given there is that Nem Narain Singh had bribed P.W. 11 an amount of Rs. 200 for giving his vote. In this case, also, new allegations have been introduced, which must be disbelieved. According to P.W. 13, what had

happened was that on a particular day, Banwari Babu gave Rs. 500 to Nem Narain Singh and then Ganga Paswan and one Udgar Paswan came and Nem Narain Singh paid Rs. 200 to Ganga Paswan for distribution amongst voters. It appears that the incident spoken of by P.W. 11 has been attempted to be boletered up by the evidence of P.W. 13. But the evidence given by this witness to the effect that Rs. 200 had been paid to P.W. 11 for distribution among the voters cannot be accepted in view of entry No. 3(a) in new Annexure D. No usefu purpose will be served by referring to the evidence of R.W. 46, son of Nem Narain Singh, who has denied the allegation made against his father. In my opinion, the positive evidence adduced on behalf of the appellant regarding these bribery matters must be disbelieved. Then, R.W. 45 has stated that P.W. 11 was a Sepoy of the appellant and P.W. 13 cultivated land under the appellant on Batal system. Even if these matters are left out of consideration, the allegations made on behalf of the appellant must fail. I may add in this connection that allegations of bribery in villages Ashin Cheuk and Ajnour have not been pressed by learned counsel for the appellant.

51. The last points argued by learned counsel for the appellant is with reference to the account of expenses submitted by respondent No. 1. In paragraph 18 of the election petition this matter was mentioned, without giving any further details, either in the election petition or in any annexure. In new Annexure F, filed on the 16th October, 1962, various details have been mentioned, some of which have been argued before us. Reference is made to section 123(6) of the Act, according to which, incurring or authorising of expenditure in contravention of section 77 is a corrupt practice, Section 77 runs thus:—

“77. *Account of election expenses and maximum thereof.*—(1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars, as may be prescribed.

(3) The total of the said expenditure shall not exceed such amount as may be prescribed.”

The particulars prescribed and the maximum amount of expenditure allowed are to be found in Rules 86 and 90 of the Conduct of Election Rules, 1961. The authorised particulars have been mentioned in Rule 86 and Rule 90 prescribes that the maximum permissible election expenses cannot exceed Rs. 25,000, in the case of any constituency in a State, in connection with any election in any Parliamentary constituency. Respondent No. 1 has shown that his election expenses had been Rs. 12,102.30 paise [wrongly mentioned as Rs. 12,132.30 paise in Annexure F] inclusive of an amount of Rs. 300, mentioned as the probable trunk call expenses. Learned counsel for the appellant has contended that the total expenditure showing for the price of petrol was Rs. 7,556.97 paise, covered by two vouchers, dated the 2nd February, 1962 and the 24th March, 1963. It is argued that respondent No. 1 had spent Rs. 6,000 on the 29th January, 1962 and Rs. 8,000 on the 2nd February, 1962 on petrol, and although this extra Rs. 8,000 had been paid to the petrol dealers, this amount has not been included in the account shown. Learned counsel has placed reliance in this context on the evidence of P.W. 105. This witness has deposed that on those two dates he had been to the Central Bank, Samastipur, and he had seen Ramakant Mishra (R.W. 11) in the Bank and on both the dates R.W. 11 had cashed cheques at the Bank. P.W. 105 had seen R.W. 11 presenting a cheques for Rs. 6,000, issued by Banwari Babu, on the 29th January, 1962, and after he had get the money, he paid the entire sum to R. P. Ghosh, proprietor of H. P. Ghosh and Sons, Petrol dealers, who had also come to the Bank. P.W. 105 has gone so far as to say that the payment was made for petrol and mobil supplied during the election. According to P.W. 105, further, he had seen R.W. 11 cashing a cheque for Rs. 8,000, on the 2nd February, 1962, issued by Banwari Babu, and after getting the money, he gave the whole amount to R. P. Ghosh, who was also present at the Bank. P.W. 105 has added in this context also, that this amount of Rs. 8,000 was paid for supply of petrol and mobil during the election. The Tribunal has not accepted this evidence, and in my opinion, evidence of this nature has to be mentioned to be rejected as unacceptable. Apart from the fact that in February, 1962, an amount of Rs. 1,843.47 paise had been paid for petrol etc., which has been shown, and, therefore, it was unlikely that another sum of Rs. 8,000 was paid in the same month, the entire story given by P.W. 105 as to what he saw in the Bank was so improbable that no reliance can be placed on it. His evidence regarding what he had

seen on the 29th January, 1962, is also improbable, to say the least. At the time for case was proceeding before the Tribunal, R. P. Ghosh was dead, but, certain books of account were called for from H. P. Ghosh & Sons at the instance of the petitioner-appellant, and they were produced through a representative of the firm. The Tribunal has mentioned in paragraph 52 of its order that the learned advocate for the petitioner there declined to examine the employee, who had come to Court with the account books. It appears to me that the consideration of this matter made by the Tribunal is correct and such allegations have rightly been disbelieved. I may repeat what the Tribunal has stated, that, if certain payments were going to be kept secret, R.W. 11 would not have cashed the cheques for such big amounts and paid the money to R. P. Ghosh, in the Bank premises. It appears to me that the evidence given by P.W. 105 is wholly untrue.

52. Learned counsel for the appellant has then contended that the bill for telephones charges had come to Rs. 972 and only a sum of Rs. 300 had been included in the account submitted. In my opinion, this contention is also devoid of any merit. The account submitted appears to be dated the 26th March, 1962, and it appears that the bill in question sent was dated the 19th March, 1962. Banwari Babu has deposed that the bill had not actually been received by the time the accounts were submitted, and it is clear that for this reason an amount of Rs. 300 had been shown as probable trunk call expenses. The evidence given seems to be reasonable and no exception can be taken in this matter. In any event, even if this excess amount be added, the total expense incurred would not exceed Rs. 25,000. Mere omission to include this access amount cannot be said to be a contravention of section 77. This matter has been considered and decided by this Court in the case of Chandrashekhar V. Sarjoo Pd. Singh and another reported in A.I.R. 1961 Patna 189.

53. The last matter urged under this heading is that a large amount of money had been spent for supplying food to the various workers and these expenses have not been shown in the account submitted. Reliance is placed on the evidence of Kamalnath Thakur (R.W. 10) from whom it was elicited that the workers used to get their food at the election office and the office used to bear the expenses. This matter has been dealt with by the Tribunal, amongst others, in paragraph 53 of its order, and I am of the opinion that the conclusion given therein is correct. There is no evidence as to how such could have been spent over supply of food for the workers even if food was supplied to them, who were otherwise honorary workers, and, therefore, it is not possible to hold that the maximum permissible amount had been exceeded by the expenses not shown, R.W. 10 has deposed only in connection with the Samastipur election office, to which only 25 or 30 workers were attached. Even if food was supplied to any of these workers, it is not possible to hold that any omission made in the account supplied in this connection would be fatal. Various other contentions had been raised before the Tribunal in connection with the accounts of expenditure submitted on behalf of respondent No. 1, but no other point has been urged here in this connection. In my opinion, the election in question cannot be affected by the arguments advanced by learned counsel for the appellants challenging the account of expenses submitted on behalf of respondent No. 1. I may further add that the election had been challenged before the Tribunal on matters other than those dealt with by me; but, many of the points argued before the Tribunal have not been argued in this Court.

54. Learned counsel for the appellant has challenged an order of the Tribunal passed on the 1st November, 1964, on an application filed by the appellant on that day, and has referred to ground No. 6 taken by the appellant in the memorandum appeal filed in this Court. What had happened was that the appellant had filed a petition before the Tribunal praying that certain diaries of the presiding officers of Dalsingsarai East and West Constituencies, which had been summoned at the instance of respondent No. 1, should be taken into evidence and marked as exhibits. This was objected to on behalf of respondent No. 1 and the Tribunal refused the prayer made on behalf of the petitioner before it. The reason why learned counsel has urged this point is because of the following statements made by Banwari Babu in cross-examination:—

"I never did nay canvassing for my father excepting in Samastipur town. I did not visit any polling booth within Dalsingsarai Assembly constituency on the polling day. I do not remember whether I had visited polling booth No. 17 at the Mahti M.E. School on 18th February, 1962, at the commencement of the poll. I was not present at the commencement of the poll during sealing of ballot boxes by the presiding officer of any polling station on 18th February, 1962. I can not say if my name has been entered in any presiding officer's report as having been present. All polling agent forms issued on behalf of

my father, were signed by me as election agent and not by my father. I deny that I visited my father's constituency specially between 17th and 25th February, 1962 and that I am falsely suppressing the fact. I had visited only Samastipur and its suburbs."

Learned counsel has argued that the diaries of the presiding officers would have shown that Banwari Babu had visited the polling booth at Mahti M.E. School on the 18th February, 1962. Apparently, this argument is advanced because a case was made before the Tribunal on behalf of respondent No. 1 that Banwari Babu had not moved out of the election office at Samastipur except on the 21st February, 1962. Mahendra Narayan Tahakur (R.W. 1) deposed on the 13th September, 1963 that he had brought and produced the diaries of the presiding officers of all the booths within the said constituency, but the petitioner-appellant took no step prior to the 1st November, 1964, for the summoning of someone who was competent to prove those diaries. Banwari Babu was not able to recall during his cross-examination on the 31st October, 1964, as to whether he had visited the polling booth No. 17 at the Mahti M.E. School on the 18th February, 1962. The petitioner then filed another application on the 1st November, 1964, for summoning the presiding officer of polling station No. 17 of Dalsingsarai East Constituency through the returning officer of 16 Samastipur Parliamentary Constituency, so that the diary of the said presiding officer might be taken in evidence. The Tribunal took the view that no further witness could be summoned as the petitioner had closed his evidence long ago and even respondent No. 1 had closed his evidence, and as such, the Tribunal rejected the said petition as well. There can be no doubt that the attempt to get the diary exhibited was belated and the production of any evidence on behalf of the petitioner at that stage and admitting any evidence in rebuttal on behalf of respondent No. 1 would not have been justified. Accordingly, the view taken by the Tribunal cannot be said to be erroneous. Besides this, the appellant has not filed any petition in this appeal for summoning the said officer and taking additional evidence. This appeal was already heard for several days and then, in course of the hearing, learned counsel made a grievance about the said order, dated the 1st November, 1964, and made an oral prayer to summon the said officer or to call for the said diary and take it in evidence even without summoning him. The appellant cannot be permitted to fill up the gaps and lacunae in the evidence and the prayer made at this stage cannot be entertained.

55. After a detailed consideration of the arguments advanced by learned counsel for the appellant, I am of the opinion that the appellant's case is without any merit. As a matter of fact, it must be held that the prolixity of the appellant's case itself is its greatest weakness. Reading new Annexures A to F, it is impossible to hold that any candidate or any other person interested in his case could have discovered such a large number of malpractices and corrupt practices, said to have been committed by a number of persons on behalf of a rival candidate, at various places and on such a large number of occasions. There is no material on record to convince the Court that anyone could have kept track of the corrupt practices, mentioned in the Annexures, and then submit it to the Tribunal as late as on the 16th October, 1962. As indicated above, original Annexures A to E were much bare, various details having been brought out in new Annexures A to F, some allegations having been made therein for the first time. Although the Tribunal has permitted the petitioner-appellant to file these new Annexures, there was no indication at that stage as to why the details which came out on the 16th October, 1962, could not have been divulged when the election petition with the old Annexures was filed. No evidence has also been led to clarify this matter. The declaration claimed before the Tribunal that the appellant or any respondent other than respondent No. 1 had been duly elected, has not been pressed here and the question really does not arise any more.

56. For the reasons given above, I am of the opinion that the appeal must fail and it is dismissed with costs payable to respondent No. 1, which is assessed at a consolidated amount of Rs. 1,000.

Sd/- U. N. SINHE.

Tarkeshwar Nath, J.

I agree

Sd/- TARKESHWAR NATH.

Patna High Court:

The 21st September, 1965.

[No. 82/294/62.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th October, 1965

S.O. 3255.—In exercise of the powers conferred under entry 3(c) of Schedule I annexed to the Ministry of Home Affairs Notification No. 15/13/59(V)-P. IV, dated the 13th July, 1962 [G.S.R. 991, published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 28th July, 1962], the Central Government is pleased to specify Tikayet Pradipta Gang Deb, son of the Ruler of Bamra, for the purpose of that entry, and directs that the exemption shall be valid in respect of one :12 bore gun, one rifle and one pistol or revolver only.

[No. F. 16/7/65-P. IV]

G. L. BAILUR, Under Secy.

गृह मंत्रालय

नई दिल्ली 6 अक्टूबर 1965

एस० ओ० 3256:—गृह मंत्रालय की अधिसूचना संख्या 15/13/59 (5)-पी०-4, दिनांक 13 जुलाई, [भारत के राजपत्र II, खण्ड 3, उपखंड (ii) दिनांक 28 जुलाई, 1962 में प्रकाशित सामान्य परिनियन नियम 991] के साथ लगी हुई पहली सूची की प्रविष्टि (ग) द्वारा दिये गये अधिकारों का प्रयोग करते हुए केंद्रीय सरकार, बामरा के शासक के सुपुत्र श्रीयुत टिकायत प्रदीप्त गंगदेव को उक्त प्रविष्टि के लिए सहर्ष अधिसूचित करती है तथा निर्देश करती है कि वह छूट एक बारह बोर बन्दूक, एक राहफल तथा एक पिस्तौल या रिवाल्वर के बारे में लागू होगी।

[स० 16/7/65-पुलिस (4)]

जी० एन० बैलूर,

अवर सचिव, भारत सरकार।

New Delhi, the 12th October 1965

S.O. 3257.—In exercise of the powers conferred by Section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby further extends upto the 31st December, 1965, the period within which the Commission of Inquiry appointed by the Government of India in the Ministry of Home Affairs, by notification No. S.O. 992, dated 23rd March, 1965, shall complete the inquiry into the matter specified in the notification mentioned above and report to the Central Government.

[No. F. 25/50/64-Poll.(1).]

ASOKA SEN, Jt. Secy.

New Delhi, the 14th October 1965

S.O. 3258.—In exercise of the powers conferred by Sub-section (1) of section 492 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri R. K. Varma, M.A., LL.B., Advocate, a Deputy Legal Adviser in the Central Bureau of Investigation, as Public Prosecutor for the conduct of cases investigated and instituted by the Delhi Special Police Establishment in the court of any Magistrate, Special Judge or Sessions Judge in any State or Union territory of India.

[No. F. 23/24/64-AVD.]

A. P. VEERA RAGHAVAN, Dy. Secy.

New Delhi, the 15th October 1965

S.O. 3259.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Fourth Amendment Rules, 1965.

2. In the Central Civil Services (Classification, Control and Appeal) Rules, 1957, for the proviso to sub-rule (1) of rule 12, the following proviso shall be substituted, namely:—

“Provided that, except in the case of an order of suspension made by the Comptroller and Auditor-General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority other than the Appointing Authority such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.”

[No. 7/5/65-Ests(A).]

New Delhi, the 23rd October 1965

S.O. 3260.—In pursuance of Order XXI, rule 48, sub-rule (1) of the rules in the First Schedule to the Code of Civil Procedure, 1908 (Act 5 of 1908), and in supersession of all previous notifications of the Government of India on the subject, the Central Government hereby appoints the officers specified in column 3 of the Table below as the officers to whom notices of orders attaching the salary and allowances of persons employed by the Central Government other than those serving in the State of Uttar Pradesh shall be sent.

TABLE

Sl. No.	Officers whose salaries and allowances are attached*	Officers to whom notices should be sent.
(1)	(2)	(3)
1.	All gazetted officers	The Treasury Officer/Pay and Accounts Officer who normally disburses the salary and allowances of the concerned gazetted officer.
2.	All non-gazetted officers.	The Head of Office in which the non-gazetted officer is for the time being employed.

[No. 54/1/61-Ests(A).]

HARISH CHANDRA, Under Secy.

New Delhi, the 12th October 1965

S.O. 3261.—In exercise of the powers conferred by section 13 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby places Shri U. R. Panicker, Magistrate of the First Class in charge of the sub-division of Amindivi Islands in the Union territory of Laccadive, Minicoy and Amindivi Islands.

[No. 71/2(35)65-ANL.]

S.O. 3262.—In exercise of the powers conferred by sub-section (1) of section 435 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby empowers Shri U. R. Panicker, Sub-divisional Magistrate, Amindivi Islands to exercise the powers conferred by section 435 of the said Code.

[No. 71/2(35)65-ANL(i).]

S.O. 3263.—In exercise of the powers conferred by section 37 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby invests Shri U. R. Panicker, Sub-divisional Magistrate, Amindivi Islands with the following powers to be exercised by him within the local limits of his jurisdiction, namely:—

- (1) power to require security for good behaviour in case of sedition, under section 108 of the Code of Criminal Procedure;
- (2) power to try summarily under section 260 of the Code of Criminal Procedure; and
- (3) power to try cases under section 124-A of the Indian Penal Code.

[No. 71/2(35)65-ANL(ii).]

New Delhi, the 15th October 1965

S.O. 3264.—In exercise of the powers conferred by section 37 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby invests Shri Thomas Kurian a magistrate of the second class with all the powers specified in the Fourth Schedule to the said Code as the powers with which a magistrate of the second class may be invested by the State Government.

[No. 71/2(36)65-ANL(i).]

S.O. 3265.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (5 of 1898), the Central Government hereby appoints Shri Thomas Kurian to be a Magistrate of the Second Class in the district of the Amindivi Islands, and defines the said district as the local area within which Shri Thomas Kurian may exercise all or any of the powers with which he may be invested under the said Code.

[No. 71/2(36)65-ANL.]

Y. D. SEHGAL, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 8th October 1965

S.O. 3266.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the Schedule appended to its Notification S.O. 1621 (No. 31-Income-tax, dated 11th May, 1964) dated 16th May, 1964, namely:—

In the said Schedule against Agra and Bareilly Ranges, under column 2, the following shall be substituted, namely:—

Agra.

1. Agra.
2. Firozabad.
3. Mathura.
4. Special Survey Circle, Agra.
5. Aligarh.

Bareilly.

1. Bareilly.
2. Rampur.
3. Nainital.
4. Special Survey Circle, Bareilly.

This notification shall take effect from 1st November, 1965.

Explanatory Note.

The amendments have become necessary on account of re-organisation of the above ranges in the Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 97(F.No. 50/67/65-ITJ).]

New Delhi, the 14th October 1965

S.O. 3267.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following further amendments in the Schedule appended to its Notification No. 31-Income-tax, dated 11th May, 1964, namely:—

In the said Schedule against Range I, Kanpur, Range II, Kanpur and Range III, Kanpur, under columns 1 and 2 the following shall be substituted, namely:—

Kanpur I.

1. District I, Kanpur.
2. Special Investigation Circle 'A', Kanpur.

Kanpur II.

1. District II, Kanpur.
2. Central Circles I & II, Kanpur.

Kanpur III.

1. District III, Kanpur.
2. Salary Circle, Kanpur.
3. Jhansi.
4. Etawah.
5. Banda.

Kanpur IV.

1. Special Investigation Circles 'B' & 'C', Kanpur.
2. Fatehgarh.
3. Special Survey Circle, Kanpur.
4. Estate Duty-cum-Incometax Circle, Kanpur.
5. Project Circle, Kanpur.

This notification shall take effect from 15th October, 1965.

Explanatory Note

The amendments to the existing Schedule have become necessary on account of creation of a new Range known as Range IV, Kanpur and redistribution of work amongst the above Ranges in the Commissioner's charge.

(This note does not form part of the notification but is intended to be merely clarificatory).

[No. 98(F. No. 50/67/65-ITJ).]

P. G. GANDHI, Under Secy.

MINISTRY OF COMMERCE

New Delhi, the 8th October 1965

S.O. 3268.—In exercise of the Powers conferred by clause (b) of sub-section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates Shri T. S. Kunchithapatham, Deputy Secretary to the Government of India, Ministry of Commerce, as a member of the Central Silk Board vice Shri G. R. Kadapa and makes the following further amendment in the notification of the Government of India in the Ministry of Industry No. S.O. 1313 dated the 9th April, 1964, namely:—

In the said notification for the entry relating to serial number 1, the following entry shall be substituted, namely:—

- “1. Shri T. S. Kunchithapatham, Deputy Secretary to the Government of India, Ministry of Commerce.”

[No. F. 22/2/64-Tex(G).]

A. V. VENKATESWARAN, Jt. Secy.

New Delhi, the 8th October 1965

S.O. 3269.—In exercise of the powers conferred by section 3 of the Textiles Committee Act, 1963 (41 of 1963), read with rule 4 of the Textiles Committee Rules, 1965, the Central Government hereby appoints Shri Prabhu V. Mehta, Bombay, as a member of the Textiles Committee. Vice Shri L. T. Gholap, Bombay, and directs that the following amendment be made in the Notification of the Government of India No. S.O. 2914, dated the 22nd August, 1964, namely:—

In the said Notification, for the entry against serial No. 19, the following entry shall be substituted, namely,

"Shri Prabhu, V. Mehta, C/o. M/s. Calico Industrial Engineers, P.O. Box No. 7357, 20-A, Chakala, Andheri, Bombay-58."

[No. 25(38)-TEX(A)/63-Pt. I.]

DAULAT RAM, Under Secy.

New Delhi, the 13th October 1965

S.O. 3270.—The Central Government, having considered in consultation with the Forward Market Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Alleppey Oil Millers' and Merchants' Association, Alleppey, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 8 of the said Act, recognition to the said Association for a further period of two years from the 12th November, 1965 upto the 11th November, 1967 (both days inclusive) in respect of forward contracts in pepper.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[No. 34(8)-Com(Genl.)(FMC)/64.]

New Delhi, the 16th October 1965

S.O. 3271.—In pursuance of sub-rule (4) of rule 155 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that in exercise of the powers conferred by clause (a) of sub-rule (1) of the said rule, the Central Government has removed the name of Shri Syed Shamsudin from the Register of Trade Marks Agents.

[No. 6(5)-Com. (Genl.)(TM)/65.]

S.O. 3272.—In pursuance of sub-rule (2) of rule 157 of the Trade and Merchandise Marks Rules, 1959, it is hereby notified that the address of the principal place of business of Shri Jagdish Mohanlal Bhatt, a registered Trade Marks Agent (Registration No. 78), has been altered in the Register of Trade Marks Agents as "Rasik Bhuvan, 2nd Floor, Near Padshah Pole, Relief Road, Ahmedabad-1".

[No. 6(4)-Com. (Genl.)(TM)/65.]

M. L. GUPTA, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 23rd October 1965

S.O. 3273.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2481, dated the 7th August, 1965 under sub-section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And, whereas, the Competent Authority has, under sub-section (i) of section 8 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands, shall instead of vesting in the Central Government, vest on the date of publication of this declaration in the I.O.C. Ltd., free from all encumbrances.

SCHEDULE

State.—West Bengal	Dist.—Hooghly	Thana :—Khanku			
Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Mustafapur					
J.L. 145 . . .	3779	15			

[No. 31(33)/63-ONG/OR Vol.6.]

CORRIGENDA

New Delhi, the 23rd October 1965

S.O. 3274.—In the schedule to the notification of Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2026, dated the 8th June, 1965 published in the Gazette of India Part II section 3 sub-section (ii) dated the 26th June, 1965.

At page 2233

B.B.B.

For "extent 0-1-10" read "extent 0-1-0" against survey No. 3345 of village Sirathu.

At page 2234

For "Survey No. 1483" read "Survey No. 1484" of village Newarhiya.

[No. 31(50)/63-ONG/OR Vol.2.]

S.O. 3275.—In the schedule to the notification of Government of India in the Ministry of Petroleum and Chemicals S.O. No. 2415, dated the 19th July, 1965 published in the Gazette of India Part II section 3 sub-section (ii) dated the 31st July, 1965.

At page 2646

B.B.B.

B.B.B.

For "extent 0-0-4" read "extent 0-4-0" against survey No. 257 A village Mubarakpur Kotwa.

B.B.B.

B.B.B.

For "extent 0-10-0" read "extent 0-10-10" against survey No. 227 of village Rajrup Pur.

[No. 31(50)/63-ONG/OR-Vol. 5.]

V. P. AGARWAL, Under Secy.

MINISTRY OF STEEL AND MINES

(Department of Mines & Metals)

ERRATA

New Delhi, the 13th October 1965.

S.O. 3276.—In the notification of the Government of India, in the Ministry of Steel and Mines (Department of Mines and Metals), S.O. No. 2630 dated the 8th

August, 1965, published in Part II Section 3, sub-section (ii) of the Gazette of India, dated the 28th August, 1965 at pages 2895 to 2901:

1. at page 2896:
 - (i) In line 9, for "We" read "he".
2. at page 2900:
 - (i) In line 12, for "333" read "533".
 - (ii) In line 16, for "New-adih" read "Nawadih".
 - (iii) In line 24, for "1756 to 1789" read "1756 to 1788".
 - (iv) In the Tabular statement, against village Armo, in column "Thana number" for "," read "11".
3. at page 2901:
 - (i) In line 5, for "128 to 129" read "125 to 129".
 - (ii) In line 7, for "352(P)" read "452(P)".
 - (iii) In line 8 for "468(P)" occurring for the first time read "466(P)".
 - (iv) In line 26, for "2275" read "2775".

[No. C2-20(21)/63.]

S.O. 3277.—In the Schedule of the notification of the Government of India, in the Ministry of Steel and Mines (Department of Mines and Metals), S.O. No. 2361 dated the 22nd July, 1965, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 31st July, 1965 at pages 2595 to 2597:—

At page 2596:

In lines 1 and 2, under "Boundary Description of Singra Block:", for "Deoghar" read "Deoghara".

[No. C2-20(5)/65.]

RAM SAHAY, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Food)

New Delhi, the 8th October 1965

S.O. 3278.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the Notification of the Government of India in the Ministry of Food and Agriculture (Department of Food), No. G.S.R. 63 dated the 21st February, 1958, namely:—

In the Schedule to the said notification—

- (a) in Part I "General Central Service, Class III", for the heading "Office of the Pay and Accounts Officer, Bombay/Calcutta/New Delhi" in column 1, the heading "Office of the Pay and Accounts Officer, Bombay/Calcutta/New Delhi/ Madras" shall be substituted;
- (b) in Part II "General Central Service, Class IV", after the existing entries in columns 1 to 5, the following entries shall respectively be inserted, namely:—

(1)	(2)	(3)	(4)	(5)
"Grain storage Research and Training Centre, Hapur.	Assistant Director.	Assistant Director	All	Regional Director of Food, New Delhi.

[No. 7(2)/61/AVU.]

R. RAMASWAMY, Dy. Secy.

(Department of Agriculture)

New Delhi, the 29th September 1965

S.O. 3279.—The following draft of certain rules further to amend the Myrobalans Grading and Marking Rules, 1962, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published, as required by the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 20th November, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft before the date aforesaid will be considered by the Central Government.

DRAFT RULES

1. These rules may be called the Myrobalans Grading and Marking (Third Amendment) Rules, 1965.

2. In the Myrobalans Grading and Marking Rules, 1962,—

(1) in column 5 of Schedule I,—

(a) for the existing entry against "Jubbulpore No. I" in column 1, the following entry shall be substituted, namely:—

"shall not contain more than 12½% of G. J. Soundnuts and 7½% of J.II nuts";

(b) for the existing entry against "Genuine Jubbulpore" in column 1, the following entry shall be substituted, namely:—

"shall not contain more than 25% of J.II nuts";

(c) against the entry "Jubbulpore No. II" in column 1, the following entry shall be inserted, namely:—

"Any solid nut of dark brownish colour will not go in G. J. Sound nuts but will be included in J. II nuts";

(2) for schedule II, the following Schedule shall be substituted, namely:—

SCHEDULE—II

(See Rules 3 and 4)

Grade designations and definition of quality of crushed Myrobalans derived from whole nuts commercially known as "Jubulpores" grown in the States of Madhya Pradesh, Bihar, Orissa and Andhra Pradesh.

Trade Name	Grade designation.	Special characteristics			General characteristics.
		*Myrobalan dust not exceeding (by weight)	Chicken feed** not exceeding (by weight)	Kernel seeds not exceeding (by weight)	
1	2	3	4	5	6
1. Crushed special No. I	C.S.I.	1½%	5%	1%	Shall be made from whole nuts of J.II quality of schedule I.
2. Crushed No. I International	C.I.I.	5%	10%	3%	Do.
3. Crushed No. I	C.I.	7%	15%	4%	Shall be made from whole nuts of Genuine Jubbulpore (G.J.) of Schedule I.

1	2	3	4	5	6
4. Crushed Average	C.A.	10%	15%	4%	Shall be made from whole nuts comprising 70% GJ and 30% JII of Schedule I.
5. Crushed No. II	CII	25%	30%	10%	Shall be made from whole nuts of J II of Schedule I.

*Anything passing through 16 mesh sieve.

**Anything passing through 8 mesh sieve.

[No. F. 15-25/65-AM]

SANTOKH SINGH, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 12th October 1965

S.O. 3280.—In exercise of the powers conferred by section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944), read with rule 4 of the Indian Central Coconut Committee Rules, 1945, the Central Government hereby notifies that the persons mentioned in column (1) of the Schedule hereto annexed have been nominated by the Government or the Body, as the case may be, mentioned in the corresponding entry in column (3) thereof as members of the Indian Coconut Committee constituted under that Act.

2. It is further notified that the persons aforesaid shall hold office as such members up to the 30th November, 1965, or until the finalisation of the re-organisation proposal of the Commodity Committees, whichever is earlier.

THE SCHEDULE

S. No.	Name and address of the persons	Clause of Section 4 under which nomination has been made.	Nominating Govt. or Body.
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1	2	3	4
1	Shri K. P. Madhavan Nair, "Glen Brook", Octacamund, Nilgiris.	(c)	Government of Kerala.
2	Shri R. Srinivasa Iyer, Pattokkottai P.O. Tanjore District.	(b)	Government of Madras.
3	Director of Agri, Madras	(d)	Do.
4	Dr. H. K. Nandi, Director of Agriculture West Bengal, Calcutta.	(d)	Government of West Bengal.
5	Shri P. S. Mazumdar, Director of Agriculture, Assam, Shillong.	(d)	Government of Assam.

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6	Dr. N. C. B. Nath, Hindustan Lever Ltd., Ballard Estate, Bombay-I.	(c)	Bombay Chamber of Commerce and Industry.
7	Shri V. J. Joseph, Managing Partner, M/s Pothen Joseph & Sons, Alleppey.	(e)	Travancore Chamber of Commerce.
8	Director of Agriculture Maharashtra	(d)	Government of Maharashtra.
9	Shri H. G. Patil, Bordi, District, Thana.	(b)	Government of Maharashtra.
10	Agricultural Commissioner with the Government of India	(f)	Central Government.
11	Joint Secretary to the Govt. of India, Ministry of Finance (Agri. Div.)	(f)	Do.
12	Shri Sasanka Sekhar Manna, M. A. Headmaster, Multi Higher Secondary School, Village : Multi, P.O. Dhamna, District 24 Parganas.	(b)	Government of West Bengal.
13	Director of Agri. Orissa	(d)	Government of Orissa.
14	Director of Horticulture Bangalore.	(d)	Government of Mysore.

[No. 11(2) /64-Com. I/III.]

N. K. DUTTA, Under Secy.

MINISTRY OF HEALTH

ORDERS

New Delhi, the 13th October 1965

S.O. 3281.—Whereas the Government of India in the Ministry of Health has, by notification No. 17-2/60-MI, dated the 25th April, 1960, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification M.D. (Pennsylvania U.S.A.) for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Roger Allen Feldman who possesses the said qualification, continues to work in the Christian Medical College and Hospital, Vellore to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Roger Allen Feldman shall be limited.

[No. F. 18-50/65-MPT.]

S.O. 3282.—Whereas the Government of India in the Ministry of Health has, by notification No. 16-46/62-MI/MPT, dated the 14th June, 1963, made in exercise of the powers conferred by sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956), recognised the medical qualification "Doctor of Medicine" granted by the University of Wurzburg, Germany, for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by the proviso to sub-section (1) of section 14 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government hereby specifies the period of two years with effect from the date of this order or so long as Dr. Baldrich Wolfgang who possesses the said qualification, continues to work in the St. Lukes Hospital, Shrirampur, Ahmednagar Distt., to which he is attached for the time being for the purposes of teaching, research or charitable work, whichever is shorter, as the period to which the medical practice of the said Dr. Baldrich Wolfgang shall be limited.

[No. F. 18-46/65-MPT.]

B. B. L. BHARADWAJ, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 11th October 1965

S.O. 3283.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director-General, Posts and Telegraphs hereby specifies the 1st November, 1965 as the date on which the Measured Rate System will be introduced in KHAMGAON Telephone Exchange.

[No. 31/28/65-PHB.1]

S. K. SEN,
Assistant Director General (PHB).

संचार विभाग

(आफ-तार बोर्ड)

नई दिल्ली, 11 अक्टूबर, 1965

स्थायी प्रावेश 3284.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड 3 के पैरा (ए) के अनुसार डाक-तार महानिदेशक खमरांव टेलीफोन केन्द्र में 1 नवम्बर, 1965 से प्रमापित दर प्रणाली लागू करने का निश्चय करते हैं।

[क्रमसंख्या 31/28/65-पी० एच० बी०]
एस० के० सेन,

महायक महानिदेशक (पी० एच० बी०)।

MINISTRY OF WORKS AND HOUSING

New Delhi, the 11th October 1965

S.O. 3285.—In pursuance of the provisions of rule 45 of the Fundamental Rules and in supersession of the Faridabad Press Quarters (Allotment) Rules, 1961, published with the notification No. 1(3)/60-S&PI, dated the 3rd June, 1961 of the Government of India in the late Ministry of Works, Housing and Supply, the President hereby directs that the Allotment of Government Residences (General Pool in Delhi) Rules, 1963, as extended to the General Pool residences in Faridabad and for the time being in force shall apply *mutatis mutandis* to the allotment of Government residences in Press Pool in Faridabad and that the said rules shall have effect in their application to the Press Pool subject to the following modifications, namely:—

In the said rules—

- (i) for the words “eligible offices who are required to reside on duty with the Government of India or the Delhi Administration” appearing in the heading under Division XXVI-B the words “the Government of India Press, Faridabad” shall be substituted;
- (ii) in S.R. 317-B1—
 - (a) in sub-rule (1), for the words “General Pool” the words “Press Pool” shall be substituted;
 - (b) for sub-rule (2), the following sub-rule shall be substituted, namely:—
 - “(2) They shall come into force on the fifteenth day of October, 1965.”;

(iii) in S.R. 317-B-2, for clause (e) the following clause shall be substituted, namely:—

“(e) ‘eligible office’ means any Section or Wing of the Government of India Press, Faridabad.”;

(iv) in S.R. 317-B-4, in sub-rule (4), for the words “under these rules” the words “under the rules applicable to them” shall be substituted.

[No. 3/14/65-Acc.I.]

B. M. LAL, Under Secy.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 8th October 1965

S.O. 3286.—The displaced persons and non-displaced persons could associate the claims of others towards adjustment of the price of a composite property or any part thereof upto 30th September, 1965. The date of association of claims on regional basis has now been extended upto 31st March, 1966.

ORDER

In the order issued in pursuance of Rule 11-D(D) (A) of the Evacuee Interest (Separation) Rules, 1951, vide Notification No. 5(24)/59-Prop.II|Comp. & Prop., dated the 3rd April, 1965, for the words and figures “30th September, 1965”, the words and figures, “31st March, 1966” shall be substituted.

[No. 5(24)/59-Prop. II.Comp. & Prop.]

New Delhi, the 23rd October 1965

S.O. 3287.—In exercise of the powers conferred by Sub-Section (I) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (No. 44 of 1954), the Central Government hereby appoints Shri V. T. Bhatia in the office of the Regional Settlement Commissioner, Bombay as Assistant Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took over charge of his post.

[No. 8/74/AGZ/65.]

KANWAR BAHADUR,
Settlement Commissioner (A)
and *Ex-Officio* Dy. Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 14th October 1965

S.O. 3288.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954), I delegate to Shri K. L. Wason, Additional Settlement Commissioner, the powers vested in me under Section 5 of the Displaced Persons (Claims) Supplementary Act, 1954 to be exercised by him in relation to revision of cases decided under the Displaced Persons (Claims) Act, 1950.

[No. 13(4)AGZ/64.]

G. D. KSHETRAPAL,
Chief Settlement Commissioner.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 11th October 1965

S.O. 3289.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees’ Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri T. Sadasivaya to be an Inspector for the whole of the State of Madras and the Union Territory of Pondicherry for the purposes of the said

Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry.

[No. 20(72)/64-PF-I.]

New Delhi, the 13th October 1965

S.O. 3290.—In exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the Design Development Centre, All India Handicrafts Board, 43, Okhla Industrial Estate, New Delhi from all the provisions of the said Act except Chapter VA for a further period of three months from the 9th October, 1965.

[No. F. 6(48)/64-HI.]

New Delhi, the 15th October 1965

S.O. 3291.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints S/Shri Hiranyaksha Mondal and Arabinda Khan to be Inspectors, for the whole of the State of West Bengal and the Union Territories of Tripura and the Andaman and Nicobar Islands, for the purposes of the said Act and of the Schemes framed thereunder, in relation to establishments belonging to, or under the control of the Central Government, and in relation to establishments connected with a railway company, a major port, a mine or an oilfield or a controlled industry.

[No. 20(71)/64-PF-I.]

S.O. 3292.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Kumari H. S. Mehta to be an Inspector for the whole of the State of Maharashtra for the purposes of the Act and of Schemes framed thereunder, in relation to all establishments belonging to or under the control of the Central Government and in relation to establishments connected with a railway company, a major port, a mine or an oilfield or a controlled industry.

[No. 20(65)/64-P.F.1.]

DALJIT SINGH, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 12th September 1965

S.O. 3293.—In exercise of the powers conferred by section 13A of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), and in partial supersession of the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 2738, dated the 4th November, 1960, the Central Government hereby specifies the Labour Court at Calcutta constituted under section 7 of the Industrial Disputes Act, 1947 (14 of 1947), by the notification of the Government of India in the Ministry of Labour and Employment, No. S.O. 53, dated the 21st December, 1964 as the Labour Court which shall dispose of any proceeding arising out of any reference made by any employer or workman in the State of West Bengal relating to any question as to the application or interpretation of a Standing Order made and certified under the Industrial Employment (Standing Orders) Act, 1946, in relation to an industrial establishment in respect of which the Central Government is the appropriate Government.

[No. F. 21/8/65-LR1.]

New Delhi, the 1st October 1965

S.O. 3294.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Bonjemehari Colliery, P.O. Salanpur, Burdwan and their workmen which was received by the Central Government on the 27th September 1965.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

REFERENCE NO. 8 OF 1965

PARTIES:

Employers in relation to the Ponjemehari Colliery,
AND
Their workmen.

PRESENT:

Shri L. P. Dave.—*Presiding Officer.*

APPEARANCES:

On behalf of employers.—Shri Jagdish Singh, Labour Welfare Officer.
On behalf of the workmen.—Shri Keshab Banerjee, Genl. Secretary, Colliery Mazdoor Union.

STATE: West Bengal

INDUSTRY: Coal Mines.

AWARD

The Government of India, Ministry of Labour and Employment, by their order No. 6/68/LR-I dated 22nd January 1965, have referred the industrial dispute existing between the employers in relation to the Bonjemehari Colliery and their workmen in respect of the question whether the transfer of Svs. P. K. Puitandy and Abdul Wahab, Grade II Clerks, from Bonjemehari to Brindabanpur Colliery and to Barakar Head Office respectively was justified and if not, to what relief the workmen are entitled, for adjudication to this Tribunal.

2. The case of the workmen represented by the Colliery Mazdoor Union (to which I shall hereafter refer to as the Union) as detailed in their written statement is that the Bonjemehari colliery is under the ownership and management of Bonjemehari Anthracite Coal Company; that P. K. Puitandy and Abdul Wahab have been employed in the said colliery as clerks for about 15 and 12 years respectively; that in 1963 a union was formed in the colliery due to the enterprise of these workmen and other workmen; that the management did not like this and started coercing the clerks to sever their connection with the union; that they did not do so and thereby incurred the displeasure of the management; that by a letter dated 13-5-1964 they purported to transfer P. K. Puitandy to a colliery named Brindabanpur Colliery which is not under the control or management of Bonjemehari Anthracite Coal Company; that by a letter of the same date they also purported to transfer Abdul Wahab to the alleged head office of the Company at Barakar; that Brindabanpur colliery is an independent colliery owned and managed by Balkrishna Coal Company; that at Barakar the Bonjemehari Anthracite Coal Company maintains a 'Gadi' for transacting other business; that the transfers were made only with a view to victimise the workmen; that the Union therefore pray that the transfer orders should be vacated and the clerks concerned should be allowed to resume their duties at their former place of work.

3. By their written Statement, the management contends that both Bonjemehari colliery and the Brindabanpur colliery were at the material time owned by one Shri Onkarmal Agarwalla who is the sole proprietor of both of them; that the head offices of both these collieries are at Barakar at the residence of the owner; that these collieries were previously owned by a partnership firm that the said partnership firm was dissolved from 1-8-1963 by a partition deed of 11-12-1963; that thereunder both these collieries have been allotted to the exclusive share of Shri Onkarmal Agarwalla who alone is the sole owner of both collieries; that it is denied that the management coerced the two clerks for their alleged trade union activities; it is also denied that they were transferred for victimising them; that the transfers were ordered for the administrative requirements and exigencies; that the Bonjemehari Anthracite Coal Co. and Balkrishnapur Coal Co. are mere trade names; that the allegations of the union against the orders of transfer are baseless; that the transfer should be held to be justified and it would be ordered that the workmen are not entitled to any relief.

4. The present dispute relates to the transfer of two clerks named P. K. Puitandy and Abdul Wahab. They had been working in the Bonjemehari Colliery for the last 15 and 12 years respectively. By a letter dated 13th May, 1964, Puitandy was transferred to a colliery named Brindabanpur colliery and by another letter of the same date Abdul Wahab was transferred to the alleged head office of the company at Barakar. It is these transfer orders which are challenged by the union on several grounds.

5. There can be no doubt that the management have ordinarily the right of transferring a workman from one colliery to another, provided both the collieries are owned by the same person and provided the workman is not prejudiced by the transfer. At the same time, if the transfer is found to be *mala fide* or is made with a view of victimising the workman, the Tribunal would interfere into it but not if it is a transfer in the normal course of business.

6. Taking the case of P. K. Puitandy first, he has been transferred from Bonjemehari colliery to Brindabanpur colliery. This transfer is challenged firstly on the ground that the two collieries are not owned by the same person. On the other hand, the management urge that both the collieries belong to the same person namely Shri Onkarmal Agarwalla. It is an admitted fact that the Bonjemehari colliery is run in the name of Bonjemehari Anthracite Coal Company and that the Brindabanpur colliery is run in the name of Balkrishnapur Coal Company. The management urge that these are mere trade names but

ownership is of one person. It is true that a person may use different trade names for different concerns and if he is the owner of the different concerns, he may be entitled to transfer one clerk from one concern to another. It would however be for him to prove that the two concerns are owned by him, much more so when the two concerns are run in two different names, i.e. when the names of owners are shown to be different. There is not an iota of evidence as to who is the owner either of the Bonjemehari colliery or of the Brindabanpur colliery nor is there any evidence to show as to who is the owner of Bonjemehari Anthracite Coal Company or of Braikrishnapur Coal Company. One Sri Onkarmal Agarwalla is said to be the proprietor but he has not chosen to come into witness box. In paras 4 and 5 of their written statement, the management have contended that the two collieries originally belonged to a partnership firm; that there was a dissolution of the said partnership from 1st August, 1963 by a partition deed of 11th December, 1963 and thereunder the two collieries have fallen to the exclusive share of Shri Onkarmal Agarwalla. The management has not produced the said partition deed for a certified copy thereof in spite of the union having requested them to do so and in spite of the Tribunal having ordered them to produce the same. An adverse inference must be drawn against them for not doing so.

7. The union had also asked for the copy of the mining lease. It was said on their behalf that the mining lease has expired and also that the mining lease was in the name of some one else. The management has not produced this also and for this an adverse inference must be drawn against them.

8. Lastly, it is now alleged in the written statement that these two collieries belong to Sri Onkarmal Agarwalla. In a letter addressed by the Manager of the colliery to the Conciliation Officer (Central), Asansol, on 31st July, 1964, a true copy whereof has been produced by the management themselves as annexure A-10 to their written statement. It has been alleged that the two collieries belong to Kalu Ram Onkarmal. At one stage Kaluram is referred to as an individual and at another state he is referred to as Messrs Kaluram Onkarmal. As I said above, the management's case in the written statement is that the collieries belong to one Sri Onkarmal Agarwalla. Thus their present case is entirely different from the case made out by them in the letter dated 31st July, 1964 addressed to the Conciliation Officer.

9. To sum up, the management has put up different cases about ownership of the two collieries. The two collieries are run in two different names. There is no evidence as to who is the owner of either of them. The person who is said to be the sole proprietor has not chosen to go into witness box nor has anyone having personal knowledge been examined. The partition deed under which the collieries are said to have fallen to his exclusive share has not been produced. The mining lease is also not produced. In all the circumstances, I have no hesitation in holding that it is not proved that the two collieries belong to the same person. That being so, the management had no right to transfer Shri Puitandy from Bonjemehari colliery to Brindabanpur Colliery.

10. Coming to the case of Abdul Wahab, he has been transferred to the alleged head office of the colliery at Barakar. From the evidence of the management's own witness, it appears that the proprietor of the colliery has other businesses also and the Barakar office is a common office for all his businesses. From the written statement, it appears that the said office is situated in the residence of the said person. As he has several businesses, he must have some staff looking after and controlling the different businesses but none of these clerks can be said to be a clerk employed in or for a particular business. As admitted by the management's own witness, the pay of none of these clerks is debited to the accounts of the colliery. None of these clerks is shown on the establishment of the colliery. A clerk serving in a colliery is entitled to the benefits of the Coal Mines Welfare Provident Fund. None of the clerks working in the head office has got any such advantage showing that none of them is a clerk of the colliery. The Barakar office can, therefore, by no stretch of imagination, be said to be the head office of the colliery. If a person owns several businesses and the businesses are run at different places, there may be a central office to look after and control the different business but the central office cannot be said to be the head office of a particular business. I am, therefore, not satisfied that the Barakar office is the head office of the colliery. That being so, it cannot be said that Shri Wahab was transferred to head office of the colliery. In effect it would be a transfer from the colliery office to the office of the proprietor which office is looking after several businesses and further the transfer would be prejudicial to the clerk. For instance, he would lose the benefits of the Coal Mines Provident Fund as he would cease to be a colliery clerk. I, therefore, hold in his case also the transfer was not justified.

11. I may further add that I feel that the transfers were not *bona fide*. It is significant to note that both clerks are transferred on the same day in 1964 soon after a union is formed at the colliery in 1963. Both of them have stated on oath that they joined the union which fact the management did not like and that the management asked them leave the union which they refused to do, and that is why the management got angry with them (and transferred them). In this connection, I may refer to a letter of the management dated 23rd May, 1964 produced by the management themselves as Annexure A-9 to their written statement in which they have stated that the raising of the coal at the colliery had decreased to the extent of about a quarter and thereupon there was lessening of office work and this necessitated them to transfer the above clerks to another colliery and to their head office. From the evidence of Shri Fuitandy, it appears that two new clerks were appointed at the colliery within a month of their transfer. The allegation, therefore, that the transfer was ordered because of fall in the work does not appear to be true. I am satisfied that they were transferred because of their trade union activities and it is, therefore, a clear case of victimisation.

12. I, therefore, hold that the transfer of neither Puitandy nor of Wahab was justified. I order that they should be allowed to resume their duties at the Bonjemehari colliery and that they should be paid all their wages and allowances for the entire period till they rejoin their duty less any amount that they may have been paid for the period and that they should be treated to be in continuous service and should get all the benefits thereof. I further order, that the employer should pay Rs. 100 as costs to the union.

I pass my award accordingly.

Sd./- L. P. DAVE,
Presiding Officer.

Dated, 22nd September, 1965.

[No. 6/68/65-LRII.]

New Delhi, the 12th October 1965

S.O. 3295.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Travancore Titanium Products Ltd., Trivandrum Kerala and their workmen which was received by the Central Government on the 23rd September, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
BOMBAY

REFERENCE No. CGIT 4 OF 1965

Employers in relation to Travancore Titanium Products Ltd., Trivandrum,
Kerala

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Travancore Titanium Products Limited.—Shri K. V. R. Shenoy, Advocate, and Shri P. K. Kurian, Advocate, of Messrs Menon and Pai, Advocates, instructed by Shri T. K. Mani, Personnel and Welfare Officer.

For the Workmen.—Shri K. Pankajakshan, President, Travancore Titanium Products Employees' Union.

Dated at Bombay this 8th day of September 1965

INDUSTRY: Titanium Products.

STATE: Kerala.

AWARD

1. By a joint application of the parties, the Central Government, by Order No. 24/19/64 LRI, dated 11th January 1965, made in exercise of the powers conferred by Clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute

between the parties above-named in respect of the subject-matters specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE

“Whether the discharge with effect from the 20th June 1964, of Shri Leslie Motha, Chargehand Operator, by the Management of Messrs Travancore Titanium Products Limited, Trivandrum, is justified? If not, to what relief is the workman entitled?”

2. After the reference was made, the Management of the Travancore Titanium Products Limited (hereinafter called the “Company”) filed its written statement on 3rd February, 1965, and the President of the Travancore Titanium Products Employees Union (hereinafter called the “Union”) filed his written statement dated 8th February, 1965, to which the Company filed its rejoinder dated 18th February, 1965, after which the dispute was taken up for hearing at Ernakulam, when both parties filed a number of documents on which they relied, and also led oral evidence.

3. The facts of the case are that Leslie Motha, the dismissed workman, who was working as a Chargehand Operator, was charged with the misconduct of having on 7th September, 1963 substituted the original of the Acid Filling and Measuring Log-sheet of the previous shift with one made up by him with altered entries, and with having destroyed the original Log-sheet. On the report dated 8th September, 1963 of Shri K. C. Pillai, Process Supervisor (Ex. E2), about the replacement of the Log-sheet, Leslie Motha was asked to give his explanation which he submitted on 10th September, 1963 (Ex. E3). In his explanation, he admitted having changed the Log-sheet, but he pleaded in justification that he did so because he noticed an error in the Log-sheet which had been prepared by the Shift Operator of the previous shift. According to him, having found an error, he corrected it and placed both the original Log-sheet and the corrected Log-sheet over the Digester Section Table, but due to heavy pressure of work, he forgot to report the incident to his superior officer. This explanation was not found satisfactory, and almost three months later, i.e. on 9th December, 1963, a charge-sheet was issued to him (Ex. E5) and he was informed that an enquiry would be held on 17th December, 1963, which was postponed to 30th December, 1963. The enquiry was held by Shri N. R. Nair, the Secretary to the Managing Director. It appears that Leslie Motha did not remain present at the enquiry held on 30th December, 1963. The Enquiry Officer did not examine any witnesses or record any evidence, but gave an ex-parte report holding Leslie Motha to be guilty of the misconduct with which he was charged, and recommended a punishment of three days suspension with effect from 8th January, 1964 (Ex. W1). Leslie Motha appealed to the Managing Director on 14th January, 1964 (Ex. W2) and the Secretary to the Managing Director, Shri N. R. Nair, who was the enquiry officer, replied stating that no case for reconsideration had been made out. At this stage the Union stepped in and sponsored the cause of Leslie Motha and as a result the dispute was taken up in conciliation and at the conciliation meeting held on 8th April, 1964, it was agreed between the management and the Union that the suspension order would stand cancelled, and a fresh enquiry would be held by the management on the charges dated 9th December, 1963 which had been issued against Leslie Motha (Ex. E6).

4. Accordingly, on 9th April, 1964, Leslie Motha was informed that a fresh enquiry would be held on 21st April, 1964 by Shri N. R. Nair, who had held the earlier enquiry (Ex. E7). The Enquiry Officer held the enquiry on the date fixed, i.e. 21st April, 1964 and submitted his findings on 25th May, 1964 (Ex. E9) holding Leslie Motha guilty of the misconduct with which he was charged and recommended his dismissal from service, and on 20th June, 1964, Leslie Motha was served with a dismissal order (Ex. E10) and on 22nd June, 1964 the Union asked the management to withdraw the dismissal order (Ex. E11) and on the same day Leslie Motha presented an appeal to the Managing Director of the Company against his dismissal order (Ex. E17). The Managing Director replied to the Union on 22nd June, 1964 stating that no grounds had been adduced for staying the order of dismissal, and stating that if Leslie Motha desired a personal hearing, he should apply for it (Ex. E12). On 29th September, 1964, Leslie Motha replied stating the grounds on which he was challenging the dismissal order, and stated that if the Managing Director desired any points to be cleared up Leslie Motha would be glad to appear before him (Ex. E19). Thereafter, from 7th July, 1964 Leslie Motha, purporting to act under instructions of his Union, started satyagraha at the factory gate. On 6th July, 1964, the management wrote to Leslie Motha enquiring whether he wanted a personal hearing (Ex. E24). This letter, according to the Union, was received by Leslie Motha on 11th July, 1964 and he replied on 14th July, 1964, expressing his inability to appear before the

Managing Director during office hours, because he was offering satyagraha (Ex. E27). Thereafter, on 18th July, 1964, the Managing Director converted the order of dismissal into one of discharge (Ex. E28) and on 3rd August, 1964, the Union wrote to the Management and the Conciliation Officer, threatening to resort to strike if Leslie Motha was not re-instated and at the Conciliation proceedings on 13th August, 1964 both parties agreed to make a joint application to the Central Government, for reference of the dispute for adjudication.

5. The Union, in its written statement, has urged the following grounds in challenging the Order of Discharge:—

- (1) that the Process Supervisor, Shri K. C. Pillai, who originally submitted the report against Leslie Motha (Ex. E2) and the enquiry officer, Shri N. R. Nair, the Secretary of the Company, were prejudiced against him,
- (2) that the rules of natural justice were not observed at the departmental enquiry,
- (3) that the enquiry was not a fair and impartial one, and that Leslie Motha was not allowed to make his full statement, and that the evidence of the witness was not correctly recorded.
- (4) that the Enquiry Officer had found him guilty of misconducts which were not stated in the charge sheet,
- (5) that the punishment of dismissal recommended by the Enquiry Officer, and the order of the Managing Director converting the same into one of discharge were excessive and not justified, considering the nature of the misconduct, and
- (6) that no opportunity was given to him to explain the various aspects of the case before the Discharge Order was passed against him.

In the concluding paragraph of its written statement, the Union has summed up these objections by stating that:—

“The facts and circumstances explained above will lead to the conclusion that the discharge of Leslie Motha is not at all justified, is harsh and excessive, and it is prayed that the Honourable Tribunal may be pleased to quash the order of discharge of Leslie Motha and to re-instate him with back wages.”

6. “The management of a concern undoubtedly has power to direct its own internal administration and discipline, but the power is not unlimited, and when a dispute arises, industrial tribunals have been given the power to see whether the termination of service of a workman is justified, and to give appropriate relief. In the case of dismissal on misconduct, the tribunal does not, however, act as a court of appeal, and substitute its own judgement for that of the management. It will interfere with the findings of a domestic tribunal only if proceedings are vitiated for (a) want of good faith, (b) when there is victimisation or unfair labour practice (c) when the management has been guilty of a basic error or violation of a principle of natural justice or (d) when, on the materials, the finding is completely baseless or perverse.” (See the judgement of the Supreme Court in the case of Indian Iron & Steel Company and their workmen, 1958, I LLJ, page 260). The principles laid down in this decision have been reiterated in the case of G. McKenzie & Co. Ltd. and its workmen and others, (1959 I LLJ, page 285) where it was held that:—

“It is for the management to determine what constitutes a major misconduct within its standing orders sufficient to merit the dismissal of a workman, but in determining such misconduct, it must have facts upon which to base its conclusions and it must act in good faith without caprice or discrimination and without motives “of vindictiveness, intimidation or resorting to unfair labour practice, and there must be no infraction of the accepted rules of natural justice. When the management does have facts from which it can conclude misconduct, its judgement cannot be questioned, provided the above-mentioned principles are not violated, but in the absence of these facts, or in the case of violation of the principles set out above, its position is untenable.”

Their Lordships further observed:—

“in the absence of any of the vitiating circumstances mentioned above, it would not be open to the Industrial Tribunal to disbelieve the evidence of a witness examined at the domestic enquiry and come to a different conclusion on merits.”

7. It is, therefore, necessary to see whether on the evidence as recorded at the domestic enquiry, and on the evidence as fed before me at the hearing the Union has succeeded in placing this case within the four exceptions laid down in the Indian Iron and Steel Company's case to justify my interfering with the findings of the domestic enquiry held by the management, and the punishment of, discharge ultimately inflicted upon Leslie Motha.

8. Now, the Union has urged that the management, having after the first enquiry inflicted a punishment of only three days' suspension, was not justified in inflicting the punishment of discharge after the second enquiry. In order to appreciate this contention, it is necessary to state certain relevant facts. It appears that upon the report dated 6th September, 1963 (Ex. E2) of Shri K. C. Pillai, the Process Supervisor, Leslie Motha was orally asked to give his explanation. Leslie Motha gave a written explanation (Ex. E3) in which he admitted that he substituted a new Log-sheet for the original Log-sheet which had been prepared in the earlier shift, i.e., the shift. His excuse for not drawing the attention of his Superior to the substituted Log-sheet, was that he forgot to mention this because of pressure of work, and in his explanation (Ex. E3) he stated, "I wish, Sir, you would excuse me this time. At the same time, I would request you to check up whether there was any irregularity in my process. The only mistake of mine was, I forgot to intimate to my supervisor". In this explanation, Leslie Motha had also stated that he had kept both the original and the substituting Log-sheets, over the Digester Section Table.

9. On this explanation of Leslie Motha, the Process Supervisor, Shri P. S. Sankaran Nair, by his Memo dated 11th September, 1963 addressed to the Plant Manager through the Assistant Plant Manager, stated that he had noticed only one Log-sheet on the Digester Section Table, dated 7th September, 1963. With regard to the explanation offered by Leslie Motha, P. S. Sankaran Nair stated that he did not find any reason for his making a correction in the entries in the previous Log-sheet, and copying it in the other Log-sheet, and that it was Leslie Motha's duty to have informed him before doing any alteration in the Log-sheet, and his excuse of not having had time to inform him, was absurd. The Process Supervisor further stated that Motha was not expected to correct the entries made by another Charge-hand, especially when he was not present on duty during that shift; that since the original Log-sheet was missing, it must be presumed that Motha had destroyed it, and that that amounted to malpractice, and that necessary action should be taken thereon.

10. Nothing seems to have happened thereafter for a period of almost three months till 9th December, 1963, when the charge-sheet (Ex. E5) was served upon him, in which he was charged with having committed the following misconduct:—

"that you substituted the original of the acid filling and measuring log sheet dated 7th September 1963 with another prepared by you with certain entries made by the previous Charge Hand altered and that the original signed by the first shift Supervisor was destroyed".

He was informed that this constituted misconduct under Standing Order 21(4)(1) viz., "dishonesty in connection with the Company's business or property". He was further informed that the explanation given by him to the Plant Divisional Manager on 10th September 1963 (Ex. E 3) was found unsatisfactory. He was asked to appear before the Secretary of the Company Shri N. R. Nair, who has signed the charge-sheet, on 17th December 1963 at 11 a.m., when an enquiry would be held by him into the alleged misconduct. He was informed that he would be permitted to bring his witnesses and to examine them in his defence at the enquiry; that he would be given full opportunity for cross-examination and to explain the circumstances alleged against him. It was further stated that four witnesses mentioned in the charge-sheet would be examined on behalf of the management, and he was requested to submit the names and other particulars of the witnesses who would be examined for the defence on or before 12th December 1963. Along with the charge-sheet were also enclosed copies of the reports received from P. S. Sankaran Nair and K. C. Pillai, the Process Supervisors (Ex. E2 and E4). It is admitted that Leslie Motha did not submit the list of his witnesses by 12th December, 1963. However, as 17th December 1963, the date fixed for the enquiry, was declared a holiday on account of the death of the General Superintendent of the plant the enquiry was postponed to 30th December 1963, and Leslie Motha was informed about it on 18th December 1963, on which date he submitted the names of two witnesses for the defence, and they were asked to remain present at the enquiry on 30th December 1963. However, on 30th December 1963, Leslie Motha remained absent. It appears that the Conciliation Officer issued a notice to Leslie Motha calling for his explanation by 2nd January 1964 as to why the enquiry

should not proceed ex-parte, but no explanation was received from him. The Enquiry Officer therefore took it for granted that Motha was deliberately abstaining from participating in the enquiry proceedings, and that he had nothing to add to what he had already stated in his written statement of explanation dated 10th September 1963 (Ex. E 3). The Enquiry Officer, in his findings dated 6th January 1964 (Ex. W 1) had stated that the charge against Motha was that (i) he substituted the original of the acid filling and measuring log-sheet of the first shift on 7th September 1963 with another written one (ii) he altered certain entries of the original log-sheet while substituting the log-sheet (iii) he destroyed the original of the log-sheet of the first shift of 7th September, 1963. He further stated that in his explanation (Ex. E 3) dated 10th September 1963, Motha had admitted (i) that he had replaced the original log-sheet with another prepared by him, and that certain figures were altered by him in the one prepared by him (ii) that he forgot to inform the Supervisor about it. He also noticed that Motha had alleged that the original of the log-sheet of the first shift on 7th September 1963 was kept by him with the one he prepared, but the report of the Supervisor (Ex. E 4) refuted this statement. The Enquiry Officer observed that having admitted that he had replaced the original log-sheet, the burden of proof lay on Motha to prove that he had left both the log-sheets on the Digester Section Table, and that as he had not adduced any evidence and had remained absent at the enquiry, he, relying upon the statement made by Motha in his written statement, held that Motha was guilty of the charges contained in the charge-sheet dated 9th December 1963, and after consulting his past record, he suspended him for three days with effect from 8th January 1964, or from the date the decision was communicated to him.

11. Shri K. Pankajakshan for the Union, has argued that the first enquiry was vitiated for the following reasons (i) that the allegations contained in the charge-sheet (Ex. E 5) were not communicated to Leslie Motha before his explanation was asked for, as required by the Proviso to Standing Order 21(4) (iii). According to him, it was mandatory that the workman's explanation should be called for before the charge-sheet was issued to him, because the Certified Standing Order contains such a provision. He has in support relied upon the judgement of the Supreme Court in the case of Bagalkot Cement Company Limited and Pathan (R. K.) and others (1962 I LLJ, page 203). But in my opinion, the decision in that case can have no application because it is admitted that Leslie Motha had given his written explanation dated 10th September 1963 (Ex. E 3) and it was argued at the conciliation proceedings that the enquiry should proceed on the charge-sheet, which would amount to the Union having waived the objection which it is urging now regarding the failure to call for an explanation after the charge-sheet. No doubt, no written request for an explanation was made, but the request was made orally. All the same, the fact remains that Leslie Motha did give his explanation and that that explanation was taken into consideration. There would, in my opinion, have been no point in asking for a second explanation before issuing the charge-sheet on him after Motha had already given his written explanation dated 10th September 1963 (Ex. E 3) particularly when it was agreed at the conciliation to proceed with the domestic enquiry on the charge-sheet (Ex. E 5).

It was next contended by Shri K. Pankajakshan that the first enquiry was vitiated because according to him, though the witnesses on behalf of Leslie Motha were present the Enquiry Officer had failed to examine them. In my opinion, there is not sufficient or satisfactory evidence to hold that the witnesses of Leslie Motha were present at the enquiry on 30th December 1963. But even assuming that they were present, as the Enquiry Officer clearly stated, he felt no need to examine any witnesses in the absence of Leslie Motha and in view of the statements and admissions made by him in his explanation (Ex. E 3).

It has next been urged by Shri Pankajakshan that there was an unreasonable delay of three months in issuing the charge-sheet dated 9th December 1963 (Ex. E 5), and that the enquiry was vitiated for that reason. There is no doubt there was some delay but the management states that that was due to an intensive production programme which was then being carried on in the plant. Though I am not impressed with this explanation for the delay, this fact could have had some force in the absence of the subsequent agreement entered into by the Union with the management at the conciliation proceedings, where it was agreed that the enquiry on the charge-sheet dated 9th December 1963 would be held afresh. Shri P. K. Kurian, Advocate for the Company, has, in my opinion, rightly argued that having agreed in conciliation for a fresh enquiry to be held on the charge-sheet dated 9th December 1963, the previous enquiry proceedings and the order of three day's suspension passed as a result thereof, ceased to have any valid force. It is clear that under the agreement reached before the Conciliation Officer, the earlier enquiry was given a go-by to, and the order of suspension was cancelled and the

charge-sheet was to be enquired into afresh, and both sides were at liberty to lead their evidence, and the Company was to adjudge the question afresh, and in fact this is what happened.

I do not think that the objections urged by Shri Pankajakshan against the first enquiry have any force or can invalidate the subsequent enquiry.

We must, therefore, now see whether the subsequent enquiry which was held on 21st April 1964 has been vitiated because of any one of the four grounds laid down in the Indian Iron & Steel Company's case referred to above.

12. After the agreement for conciliation proceedings was reached on 8th April 1964 (Ex. E 6), the punishment of three days suspension passed on Leslie Motha was cancelled, and he was refunded his wages for that period, and the fresh enquiry on the charge-sheet dated 9th December 1963 was fixed for and was in fact held on 21st April 1964. By his letter dated 9th April 1964 (Ex. E 7), the Secretary of the company informed Leslie Motha that the suspension order against him was cancelled, and that the next enquiry would be held on 21st April 1964, and that the witnesses already cited by him were being so informed. The notice also gave the names of the four witnesses who would be examined on behalf of the management.

13. The record of the departmental enquiry have been filed in these proceedings (Ex. E 8). At the enquiry, the management first examined Shri P. B. Pillai, Divisional Manager, who stated that if Motha had noticed any error in the log-sheet of the first shift of 7th September 1963, he should have reported to the Supervisor and taken his instructions before making any alterations, or copying it out in another sheet. Questioned by Motha Shri Pillai admitted that in similar circumstances on previous occasions, he (Motha) had intimated to the Supervisor, and according to the instructions of the Supervisor, he had made alterations in the log-sheets. Shri Pillai, however, stated that Motha had not done the right thing in the instant case by correcting the log-sheet without reporting or taking permission of the Supervisor. The second witness for the management, Shri Gopinath, Plant Controller, stated that he had forwarded his report along with the report of Shri K. C. Pillai according to which he had some suspicion regarding the replacement of the original log-sheet of the first shift on 7th September 1963, and that he only wanted an investigation in the matter. Leslie Motha did not cross-examine him. The next prosecution witness, Shri K. C. Pillai, Process Supervisor, stated that the log-sheet containing the signature of the first shift Operator was not genuine, and that the signatures of the Supervisor and Charge-hand of the first shift were in the original log-sheet, but were missing in the copied out log-sheet. Motha stated that he had copied the first log-sheet in a separate sheet, and that he did not put the signature of the Chargehand or Supervisor of the first shift, but only that of Ayyappan Pillai, the Operator. Shri K. C. Pillai stated that he was convinced that the log-sheet was changed without authorisation, and that Motha had no right to alter the figures or re-write the log-sheet without the permission of the Supervisor or Plant Controller. To a question in cross-examination from Motha, K. C. Pillai stated that he did not know who took away the original of the first log-sheet. The fourth witness, Shri P. S. Sankaran Nair, Process Supervisor, stated that he was the Supervisor in the second shift on 7th September 1963, and he saw only one log-sheet for 7th September 1963, which appeared to have been copied out, and the original of the first shift log was not there. He also stated that Leslie Motha should have obtained permission before making corrections in the first log-sheet, or copying it out, which he failed to do. He stated that the original first log-sheet was missing and he suspected that it was destroyed by Motha. This witness was cross-examined by Motha, who wanted to know whether he remembered an incident in the past when he had forgotten to record 2" of quench acid in the log-sheet and had brought that matter to the notice of Shri Nair next day he had approved it and initialled against it. Shri Nair stated that he did not remember the incident. The witness next denied the suggestion made by Motha that he had taken away both the log-sheets on 7th September 1963 in the second shift at 9-30 p.m. and the witness stated that he had already denied this in his earlier report (Ex. E 4). Motha then examined Shri M. P. Xavier as his witness, who stated that when he had been to Shri P. S. Sankaran Nair at 9-30 p.m. on 7th September 1963 to ask him for a cake of soap, he had seen him take two log-sheets from the Digester to his room and from there he had supplied soap to him. To this, Shri Sankaran Nair stated that he had not gone to the Digester Section after 9 p.m. and had not taken the log-sheets as log-sheets are not removed from the Section till the day's three shifts are over. He further stated that he did not remember whether he had supplied any soap to M. P. Xavier that day.

The next witness examined by Motha was Shri S. Ayyappan Pillai, the Process Operator in the plant. He stated that on 7th September 1963 he was working in the first shift as Operator, and was continuing on overtime in the second shift also in the Acid Pump-house Section on that day. He confirmed the statement made by Motha that there was a wrong entry in the first log-sheet of the first shift, which he had pointed out to Motha, and that when he came to the plant the next day he found that the acid measuring tank log-sheet of 7th September 1963 contained a signature purporting to be his, but was not made by him, and that he had reported the matter to Shri K. C. Pillai, the Supervisor. K. C. Pillai was questioned on this statement of Shri S. Ayyappan Pillai and he stated that he asked the Pump Shovel Operator next day whether the signature in the log-sheet of 7th September 1963 was his, and the Operator had said that it was not his signature. The next witness examined was Shri N. Damodaran Pillai, Operator in the Digester Section, who stated that he was working in the second shift on 7th September 1963, when he had found some scoring in the first shift log-sheet, which was initialled by the charge-hand of the first shift and Motha had copied it out in another sheet, and that at the end of the shift there was only one log-sheet which was the one which had been copied out from the original log-sheet of the first shift. Motha cross-examined him and asked him whether he had not pointed out the error in the log-sheet, to which the witness replied that he did not remember. Motha next asked the witness what he meant by the end of the shift to which Damodaran Pillai replied that he referred to 9-45 p.m. as the end of the shift.

14. Motha's statement was then recorded, in which he stated that he was on duty in the second shift of 7th September 1963 as charge-hand in the black end, that when he went to the Digester Section and checked the log-sheet he found an error in the acid measuring and filling log-sheet, which he pointed out to Shri Ayyappan Pillai, who was the operator, and also Shri Damodaran Pillai, Operator; that he asked Shri Ayyappan Pillai to check the Acid Tank level, that he copied the first shift log-sheet in a separate sheet, but did not copy out the signature of Charge-hand and Supervisor. Motha was then recorded to have stated that he had nothing more to say in the matter. Motha then wanted to explain certain circumstances of the past, which according to the Enquiry Officer, were irrelevant to the case. He, therefore, directed Motha that other matters irrelevant to the charge-sheet need not be stated. It appears that Motha then insisted that it should be recorded in the proceedings that what he did on 7th September 1963 was done deliberately to draw the attention of the Deputy Production Manager to certain prejudicial happenings in the plant, and the Enquiry Officer so recorded. But later, as recorded by the Enquiry Officer, Leslie Motha refused to sign his statement as recorded. The Enquiry Officer on 25th May 1964 made a detailed report, giving his findings (Ex. E 9). After discussing the evidence, the Enquiry Officer inter-alia observed as follows:—

"In his statement Mr. Motha has admitted that when he found some error in the first shift log-sheet he copied it in a separate sheet. He had also put the signature of the Operator. Mr. Motha insisted that the minutes should contain a record that what he did on 7th September 1963 (viz. substitution of the first shift log-sheet with certain figures altered by another prepared by him) was done deliberately to draw the attention of the Deputy Production Manager to certain prejudicial happenings in the Plant. In view of this admission on the part of the accused, the inescapable conclusion is that the accused deliberately committed certain grave mistakes fully conscious of their seriousness and that he is therefore guilty of the charges levelled against him."

"It will be dangerous to tolerate such a conduct on the part of a responsible employee who is guilty of (i) unauthorised alteration of figures recorded by another employee with the attestation of supervisory staff (ii) substituting the record by another prepared by him (iii) forging the signature of another employee without his knowledge or consent (iv) destroying the original record and (v) doing all these deliberately with the express object of bringing to the notice of the Deputy Production Manager, certain prejudicial happenings in the Plant."

"Altering a log-sheet (an original record) of the first shift, prepared by other employees of the shift, by Leslie Motha, without the knowledge and the permission of the Supervisor or Plant Controller or Deputy Production Manager, is itself a serious matter. Motha has no case that he substituted the original log-sheet for innocent reasons or with a view to rectify any error. In this statement before me, he definitely

says that he substituted the original log-sheet with another prepared by him and forged the signature of the first shift operator in the said log-sheet prepared by him (Leslie Motha), with the deliberate intention of drawing the attention of the Deputy Production Manager to certain prejudicial happenings in the Plant. If he wanted to do so, this certainly is not the method by which such matters should be brought to the notice of the management. In the circumstances, I find that the act of substituting the original log-sheet and forging the signature of the Operator of the shift an act of dishonesty in connection with the Company's business or property, on the part of Shri Motha, and that a serious view should be taken of the matter."

15. The Conciliation Officer then considered the previous service record of Motha, and found that in the past he had been found guilty of wilfully disobeying the lawful and reasonable orders of his superiors, and had been warned for it, and told that repetition of such an offence would attract the serious attention of the management, and would be dealt with accordingly; that on another later occasion in 1962, his increment was stopped for negligence of duty; that in August, 1963, the aforesaid K. C. Pillai, the Process Supervisor, had reported that Leslie Motha had threatened him and that he (Pillai) was apprehensive of his personal safety, and that the report had been forwarded to the Police for necessary scrutiny; and finally that Motha had used the Company's stationery in sending a letter of condolence to Mrs. Kennedy, wife of the late President of the U.S.A., Mr. J. F. Kennedy.

16. A copy of the findings of the Enquiry Officer (Ex. E9) is on record. By his letter dated 20th June 1964 (Ex. E10) addressed to Motha, he informed him that he had been found guilty of the misconduct of substituting the original log-sheet of the first shift on 7th September 1963 and forging the signature of the Process Operator thereon. He enclosed with his letter a copy of the findings of the Enquiry Officer. He further intimated to him that he had been dismissed from service from the date of the receipt of the above-mentioned letter, Ex. E10, because of the findings of the enquiry.

17. At this stage, the Union stepped in again and by its letter dated 22nd June 1964 (Ex. E11), the General Secretary of the Union wrote to the Managing Director stating that the dismissal of Leslie Motha was an act of victimisation; that the Secretary of the Company, who acted as the Enquiry Officer, was prejudiced against Leslie Motha, and had not conducted a fair enquiry and had not properly recorded the evidence, nor given due weight to it; that the action of the Secretary had created tension and discontent among the employees which would affect the industrial relations between the Company and its workmen. He requested the Managing Director to interfere and see that the illegal and unjust action of the Secretary was withdrawn immediately. The Managing Director replied to this letter by his letter dated 22nd June, 1964 (Ex. E12), in which he stated that if Leslie Motha was aggrieved by the order of dismissal, he had the right to appeal to the Managing Director under the Standing Orders. Thereafter, on 23rd June, 1964, Leslie Motha wrote to the Secretary of the Company, asking him to give him a true copy of the complete enquiry proceedings, from the original. The Secretary ordered that he may either copy out a copy or a true copy may be furnished, and on 23rd June 1964, he was furnished with a true copy of the enquiry Proceedings (Ex. E14). To this, Leslie Motha wrote on 23rd June 1964 (Ex. E15) stating that a copy of the proceedings of the enquiry furnished to him did not contain the complete cross-examination of P. B. Pillai and his answers; that the statement of his witness P. Xavier was also incorrect. He concluded by saying "so under the present circumstances, I may be permitted to verify the original enquiry proceeding with that of the copy of the enquiry proceeding supplied to me on 23rd June 1964".

18. In the meantime, on 22nd June 1964 Leslie Motha submitted a memo of appeal for the consideration of the Managing Director (Ex. E17), on which the Managing Director made the comment, "to enquire whether Leslie Motha wished to be heard in person" and that the said order of dismissal could not be cancelled as no grounds were adduced to justify it, and he was so informed by the Company's letter dated 24th June 1964 (Ex. E18). To this Leslie Motha replied by his letter dated 29th June 1964 (Ex. E19) in which he repeated his allegations of the enquiry not having been properly held or conducted and of the Secretary having been prejudiced against him. He concluded by stating, "even after considering these irregularities in the conduct of the enquiry, you think that there are points to be clarified, I will be glad to appear before you and clarify those points in person", to which the Managing Director replied by his letter dated 30th June, 1964 (Ex. E20) stating that if he desired a personal hearing, Leslie Motha should apply for it, and that if he had nothing to represent personally, orders would be passed

on merits. Referring to the records of enquiry submitted to him, he stated that the question of stay of orders already passed did not arise. On the same date (i.e. 30th June 1964) the Secretary of the Union again addressed a letter (Ex. E21) to the Managing Director in which he stated that the rejection of the application for stay of order had created suspicion in the minds of the employees; that the Managing Director was trying to save an officer who was trying to victimise employees; and that unless the dismissal order on Leslie Motha was cancelled without delay, the employees would resort to direct action, including hungerstrike, without further notice. To this the Managing Director replied on 1st July, 1964 (Ex. E22) in which he appealed to the Union to follow constitutional methods of redress open to them under the Standing Orders. On 6th July 1964 Leslie Motha wrote to the Managing Director (Ex. E23) intimating to him that he would offer satyagraha from 7th July 1964, as decided by the Union, and requested the Managing Director to take early steps to cancel the dismissal order. To this the Managing Director replied by his letter dated 6th July 1964 (Ex. E24) stating that if Leslie Motha desired a personal hearing he should intimate the Director of the same by 15th July, and that if no request for a personal hearing was received, it would be presumed that he did not require a personal hearing and final orders on the appeal would be passed on merits. On the same date, i.e. 6th July 1964, the Union also addressed a letter intimating to the Managing Director that the Union had decided that Motha should observe satyagraha from 7th July 1964 so as to persuade the management to withdraw the illegal and unjust dismissal order served on Leslie Motha, and that Motha had been instructed accordingly, and again requesting the cancellation of the dismissal order. On the same day, the Secretary of the Company wrote to the Secretary of the Union repeating that Leslie Motha had been asked to let the management know by the 15th July, 1964, whether he desired a personal hearing, and that failing that, he would give his finding on the merits. He also drew attention to a letter from the Conciliation Officer dated 3rd July 1964 to the Union advising him not to resort to direct action. To this Leslie Motha replied by his letter dated 13th July, 1964, in which he stated that he had received the Company's last letter of 6th July, 1964 on 11th July, 1964 (Ex. E27), and that he could not see the Managing Director personally during office-hours as he was observing satyagraha, and asking the Managing Director to take an early decision in the matter and not be influenced by prejudiced officials. Thereafter, on 20th June 1964, the Managing Director passed his order on Leslie Motha's appeal in which he stated that having gone through the records of enquiry and in the absence of any fresh materials supplied before him by Motha, he was convinced that Motha was guilty of the act with which he was charge-sheeted, and that no extenuating circumstances had been brought forward, and he therefore found Motha guilty, but taking into consideration his long services and considering that an order of dismissal would disentitle him to all the benefits that may have accrued to him as a result of his long services, he was inclined to take a lenient view and modify the orders passed by his Secretary to one of discharge. He therefore stated that Motha would be deemed to have been discharged from service with effect from the 20th June, 1964.

19. It has been urged by Shri Pankajakshan, Advocate for the Union, that whilst the original charge-sheet of 9th December 1964 had charged Leslie Motha with (i) substituting the log-sheet (ii) altering certain entries and destroying the original log-sheet, the Enquiry Officer, in his findings (Ex. E9) had held that the charges against Leslie Motha were those of (i) substituting the original log-sheet (ii) forging the signature of the Operator of the shift, i.e. Shri Ayyappan Pillai. He has stated that the Enquiry Officer had also found him guilty of forgery, which was not one of the charges levelled against him. According to Shri Pankajakshan, a fresh charge-sheet should have been issued charging him with the misconduct of forgery, particularly because the contention of the management was that the proceedings in the previous enquiry had been cancelled under the terms of the settlement reached in conciliation. At first sight this contention appears to have some force, but it is to be remembered that Leslie Motha, on his own admission, had substituted the original log-sheet by the new one prepared by him, in which he had admittedly put the signature of Ayyappan Pillai. As rightly contended by Shri Kurian for the Company, this putting of the signature of Ayyappan Pillai on the substituted log-sheet by Leslie Motha was part of the misconduct of substituting the log-sheet. After Leslie Motha had admitted that he had put the signature of Ayyappan Pillai, there is no doubt that the whole thing became part of his misconduct in substituting the log-sheet. The plea that Leslie Motha had merely copied the name of Ayyappan Pillai in the substituted log-sheet because his signature appeared in the original log-sheet, is only begging the question, as it is admitted by Leslie Motha that he did put the name of Ayyappan Pillai in the substituted log-sheet. Though this was not forgery in the legal sense of the term, Leslie Motha by even "copying the name of Ayyappan Pillai" in the substituted log-sheet did want to give it an appearance of it having been signed by Ayyappan

Pillai. I am, therefore, not satisfied that this contention, which is the fourth one urged in the Union's written statement, has any substance.

20. However, the point which was urged with the greatest vehemence by the learned Advocate for the Union was that even after the second enquiry there was no justification for enhancing the punishment from three days suspension to one of dismissal recommended by the Enquiry Officer and reduced to one of discharge by the Managing Director. He has urged that the only charge which stands proved was that of substitution of the log-sheet to which charge Leslie Motha himself had pleaded guilty by his explanation. There was, therefore, no necessity for an elaborate second enquiry. He has further urged that both the Enquiry Officer and Shri K. C. Pillai, the Process Supervisor, who originally submitted the report, were prejudiced against Leslie Motha, and that the Enquiry Officer was prejudiced because he was piqued because his earlier order, awarding Leslie Motha three day's suspension, was, under conciliation, agreed to be set aside and a fresh enquiry was agreed to be held. In this connection, Shri Pankajakshan has relied upon Leslie Motha's letter (Ex. W2) wherein he had made the allegation of the Enquiry Officer having been prejudiced against him. The allegation of prejudice in that letter, which is dated 14th January 1964, is founded on the allegation that the Enquiry Officer had not examined the defence witnesses who were present at the hearing.

21. To this, the reply of Shri P. K. Kurian, the learned Advocate for the Company, is that all these allegations are irrelevant in view of the admission of the accused that he had in fact substituted the log-sheet. The management has stated that the higher punishment of dismissal was justified because Leslie Motha at the domestic enquiry took the stand that he had deliberately substituted the original log-sheet to draw the attention of the Deputy Production Manager to the existing malpractices in this department. Leslie Motha in his evidence has stated that he had not made that statement at the enquiry. It is difficult to believe this because had this been an addition made by the Enquiry Officer to what he had really stated at the enquiry, one would have expected Leslie Motha to have denied that at the very first opportunity, when he was furnished with copy of the record of the enquiry. In fact in his letter dated 23rd June 1964 (Ex. E15) he complained that the statements of his witnesses had not been correctly recorded and had not stated that he had not made the statement of his having deliberately substituted the log-sheet to draw the attention of the Deputy Production Manager, nor did he in that letter say that his statement had not been correctly recorded. It is further important to note that the copy of the enquiry proceedings forwarded to Leslie Motha was a carbon copy of the original (Ex. E8). It is further of the greatest significance that the Union has not in its written statement in these proceedings before me stated that Leslie Motha had not made this statement. The Union has referred to Page 5, Para (vi) of Leslie Motha's written statement in these proceedings, but that para, in my opinion, cannot be construed as a denial of his having made such a statement at the enquiry. Nor am I satisfied that he was not allowed to make a full statement at the enquiry, as he now alleges. In any case he has the opportunity of making his full statement in the evidence which he has given before me; but he has not been able to add anything really worthwhile or substantial in his evidence to what was already in record at the enquiry and the correspondence that followed. His evidence on this and other points did not inspire me in accepting his allegations against the management and the manner in which the enquiry was conducted. I am afraid this is a case where the employee has brought a great deal of the trouble upon himself because of his unwise attitude in persisting in trying to establish his innocence in every possible manner, when the wiser course for him would have been to have allowed the order of three days suspension to have gone unchallenged. It is further significant that whilst he makes the allegations against the Enquiry Officer of being prejudiced against him, neither he nor the Union objected to this Enquiry Officer holding the second enquiry, under the terms of the conciliation agreement, referred to earlier.

22. Much has been made of the fact that the statements of the witnesses were dictated by the Enquiry Officer to a short-hand writer, and that they were transcribed after the enquiry was closed, and the signatures thereon of the witnesses making the statements were taken after the enquiry was concluded. But the Enquiry Officer has stated that the short-hand writer was asked to read over the statements which he had recorded to each of the witnesses who at the enquiry admitted that the record of evidence as read out was correct, and the statements were again explained to them before they were asked to sign their statements. No doubt, this was not a very satisfactory method of making a record of the statements of the witnesses examined at the enquiry, but there are no rules prescribed as to how the evidence should be recorded. As held by the Madras High Court in the case of Woodbriar and Sussex Estates *versus* Their Workmen (1960, II LLJ., page 673) in

the absence of any statutory provision relating to the procedure in a domestic enquiry, the only obligation of a person conducting the enquiry is that he will have to act according to rules of natural justice, and I am satisfied that in this case the rules of natural justice were observed. It must always be remembered that departmental enquiries are not enquiries held by judicial officers and some latitude should therefore be allowed in the manner in which the record of an enquiry is maintained. The main point here is that the defence witnesses, who also gave evidence before me at the hearing of this dispute, did not state that the record of their evidence at the departmental enquiry was incorrect or that they were stopped from making their statements. In any case, I had the benefit of hearing their evidence in Court, and I cannot say that they have been able to establish the allegation that the enquiry was vitiated because the rules of natural justice were not observed, or because of the prejudice of the Enquiry Officer against them.

23. In the result, I do not think there is any substance in the second and third submissions urged by the Union in its written statement to which I have referred in para 5 *ante*.

24. It has next been urged by the Union that Leslie Motha was not given a chance to explain various aspects of the case before the discharge order was passed. Now, the correspondence that passed between the management and Leslie Motha after the dismissal order was served upon him, to which I have referred in detail earlier in the Award, clearly shows that the Managing Director was more than anxious to hear Leslie Motha's submissions in person before deciding his appeal. But Leslie Motha avoided appearing before the Managing Director on the plea that he was observing satyagraha and could not see the Managing Director during office hours. I think this action of Leslie Motha was thoroughly unjustified and one that goes counter to his plea that the Managing Director did not give him an opportunity to place before him his objections to the findings of the Enquiry Officer before the order of discharge was passed against him.

25. The next point to be considered is the contention urged by the Union that the Enquiry Officer had put an unjustified construction on the service record of Leslie Motha in recommending punishment of dismissal. The Conciliation Officer has referred in detail to the service record of Leslie Motha, to which I have referred earlier, from which it is clear that his service record was far from satisfactory and that he had in the past been warned for wilfully disobeying the reasonable order of his superior officer, and on the second occasion, he was found guilty of negligence of his duties as Process Chargehand on 13th February 1962, and as punishment his increment was stopped for six months. There is also this further remark in his service sheet that the Superior Officer, K. C. Pillai, had reported that Motha was threatening him, and he was apprehensive of his personal safety. The Enquiry Officer has also referred to the warning issued to Leslie Motha for having used the Company's stationery (envelope), in forwarding a letter which he (Leslie Motha) had written to Mrs Jacqueline Kennedy, widow of President Kennedy of the U.S.A. With regard to this incident, what, in my opinion, is more serious is not that Motha had used the Company's stationery, but the story which Leslie Motha made up to deny the charge and the allegations which he made, that people in the Company who were prejudiced against him had put the letter he had written to Mrs. Kennedy in the Company's envelope and put lesser stamps on it than required in order to get him into trouble. This defence is clearly an after-thought, which is another instance of the unwise manner in which Leslie Motha has tried to defend his misconduct in this case, bringing upon him unnecessary and avoidable misfortune.

26. Another story of Leslie Motha which I find impossible to believe is his statement that he had put both the original log-sheet and the substituted log-sheet on the Digest section Table, and that Shri P. S. Sankaran Nair, the Process Supervisor, had removed the same that night at 9.30 P.M. I also do not accept the evidence of P. Xavier (W.W. 3) when he stated that he had seen Shri P. S. Sankaran Nair remove it when he went to him, for a cake of soap at 9.30 P.M. in the night. In the result, the only reasonable inference to draw is that the original log-sheet was destroyed by Leslie Motha. I also find it difficult to accept the evidence of Ayyappan Pillai (W.W. 2) on material points. Both these witnesses were evidently out to support Leslie Motha.

27. On a careful consideration of the evidence, both oral and documentary on the record, the facts and circumstances of the case and the submissions made by the parties, I am inclined to the opinion that the Union has failed to make out that the case falls within any of the four exceptions laid down by the Honourable Supreme Court in the Indian Iron & Steel Company's case. I am also not satisfied that the Union has been able to establish any of the grounds on which it seeks the re-instatement of Leslie Motha in service.

28. In the result, I hold that the discharge with effect from 20th June, 1964, of Shri Leslie Motha, Chargehand Operator, by the Management of Titanium Products (Travancore) Limited was justified and that in consequence, he is not entitled to any relief.

29. No order as to costs.

Sd/- SALIM M. MERCHANT,
Presiding Officer.
[No. 24/19/64-LRI.]

S.O. 3296.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Ningha Colliery (P.O. Kalipahari, District Burdwan) and their workmen which was received by the Central Government on the 30th September, 1965.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

In the matter of a reference under Section 10(1) (d) of the Industrial Disputes Act, 1947.

REFERENCE No. 110 of 1965.

PARTIES:

Employers in relation to Ningha Colliery, P.O. Kalipahari, Dist. Burdwan,
AND
Their Workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.—Presiding Officer.

APPEARANCES:

For the Employers.—None.

For the Workman.—None.

STATE: West Bengal.

INDUSTRY: Coal.

Dhanbad, dated the 28th September, 1965.

Camp: Patna

AWARD

By its Order No. 6/52/65-LRII dated 25th June, 1965, the Government of India, Ministry of Labour and Employment, referred to this Tribunal for adjudication, an industrial dispute existing between the employers in relation to the Ningha Colliery, P.O. Kalipahari, District Burdwan, and their workman in the matter specified in the Schedule reproduced below:

SCHEDULE

“Whether the action of the management in transferring Shri Ram Grihi Ram, W.E. Oil Mazdoor of Ningha Colliery, from surface to underground from 16th February, 1965, was justified? If not, to what relief is the workman entitled?”

2. On 8th September, 1965, by registered post a joint petition of compromise, signed by the representatives of both the parties, was received with a prayer to record the compromise and to pass an award in terms thereof.

3. According to the compromise the management has cancelled its Order dated 16th February, 1965, transferring Shri Ram Grihi Ram, Winding Engine Oil Mazdoor of Ningha Colliery, the concerned workman, from surface to underground and has allowed him to work as a Chargehand in the Lamp Cabin on the surface on and from 26th July, 1965, in the Employers' Ningha Colliery i.e., in Sripur 4, 5 and 6 Pits Colliery of M/s. Lodna Colliery Co. (1920) Ltd., on the same rate of wages that the concerned workman was earning as a Winding Engine Oil Mazdoor, and the period of non-employment on and from 16th February, 1965, to

25th July, 1965, will be treated as period of lay off and he would be paid lay off compensation therefore and on the basis of the aforesaid settlement mutually arrived at and accepted by the workman concerned, the workman has been working in the Employers' aforesaid Colliery as a Chargeman in the Lamp Cabin on and from 26th July, 1965.

4. I have read the above compromise, which is marked Annexure "A", and, in my opinion, the terms of the compromise are quite fair and reasonable and in the interest of both the parties, and, therefore, I accept the compromise and record it, as prayed for by the parties.

5. The reference is accordingly answered in terms of the compromise, Annexure "A", and an award in terms of it is passed and the said compromise, Annexure "A", is made a part of the award.

6. This is the award which I make and submit to the Central Government under Section 15 of the Act.

(Sd.) RAJ KISHORE PRASAD,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL DHANBAD.

REFERENCE NO. 110 OF 1965

PARTIES:

Employers in relation to Ningha Colliery, P.O. Kalipahari Dist. Burdwan and their workmen represented by the General Secretary, Colliery Mazdoor Congress (Independent) Gorai Mansion, G. T. Road, Asansol; and in the matter of dismissal of Shri Ramgrihi Ram, Winding Engine Oil Mazdoor of Ningha Colliery.

The Employers and the workmen in the above Reference jointly beg to submit:

1. That there is another Reference before the Hon'ble Tribunal arising over the dispute concerning the legality of the Management's Order dated 16-2-65 transferring the workman from surface to underground.

2. That the said dispute has been amicably settled between the parties and the Management has cancelled their said Order dated 16-2-65 and has allowed the workman Shri Ramgrihi Ram to work as a Chargeman in the Lamp Cabin on the surface on and from 26-7-65 in the Employers' Ningha Colliery i.e., in Sripur 4, 5 and 6 Pits Colliery of M/s Lodna Colliery Co. (1920) Ltd. on the same rate of wages the workman was earning as a Winding Engine Oil Mazdoor.

3. That it has further been agreed that the period of workman's non-employment on and from 16-2-65 to 26-7-65 will be treated as period of lay off and the workman would be paid lay off compensation therefor.

That on the basis of the aforesaid settlement mutually arrived at and accepted by the workman Shri Ram Grihi Ram has been working in the Employer's aforesaid Colliery as a Charge Man in the Lamp Cabin on and from 26-7-65.

5. That a Joint petition embodying the settlement of the dispute in another Reference Case before the Tribunal arising over the workman's transfer from surface to underground has been filed by your petitioners and it has been prayed that the said Reference be disposed of on the basis of the said settlement.

6. That the dispute over the workman's dismissal having been settled in the earlier Reference before this Tribunal in the manner submitted above and the workman having been reinstated in the Employer's job the parties do not like to proceed further with this Reference and most humbly pray:

That the reference be disposed of in view of the previous settlement made between the parties in the earlier Reference and an Award be passed

accordingly treating this application as part thereof without any order for cost against any party.

Sd./- JAGDISH PANDAY,
Gen. Secy.

For Workman:
Colliery Mazdoor Congress
"Gorni Mansion",

G. T. Road, Asansol.

Sd./- RAM GRIHI RAM.

Sd./-

for Employers
Group Labour Welfare Officer
Sripur Collieries,
Lodna Colliery Co. (1920) Ltd.
Sripur Collieries.

[No. 6/52/65-LR-II.]

ORDERS

New Delhi, the 12th October 1965

S.O. 3297.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Commissioners for the Port of Calcutta and their workmen represented by the National Union of Port Trust Employees in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the workmen attached to the Harbour Crafts and Berthing Establishments under the Harbour Master Including Mooring crew and the operational staff under the Mooring Master for fixed recess hours and payment of overtime for work during such recess hours instead of the present basis of variable recess is justified? If so, what should be the relief?

[No. 28/35/65-LRIV.]

New Delhi, the 13th October, 1965.

S.O. 3298.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Adjai Second Colliery, P.O. Charanpur, Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the termination of services of Shri Salku Harijan, Underground Loader with effect from the 11th June, 1964 by the management of Adjai Second Colliery is justified? If not, to what relief is the workman entitled?

[No. 6/75/65-LR.II.]

S.O. 3299.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ramanagar Colliery, P.O. Ramnagar Colliery, Distt. Shahdol, M.P., and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the following workmen of Ramnagar Colliery left their services of their own accord and, if not, whether their demand for re-instatement with back wages from the dates shown against each is justified and, if so, to what relief are they entitled?

Name of workman.	Date of claim
1. Nathoo s/o. Harelal.	22-1-1965.
2. Jagbhan s/o. Vishnath.	24-1-1965.
3. Baldev s/o. Moti.	24-1-1965.

[No. 5/26/65-LR.II.]

S.O. 3300.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Ardhogram Colliery, P.O. Ardhogram, District Bankura and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of New Ardhogram Colliery were justified in terminating the services of Shri Sreedhar Das Banerjee, Surveyor, with effect from the 5th February, 1965? If not, to what relief is the workman entitled?

[No. 6/107/65-LR.II.]

S.O. 3301.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the M/S. East Kumardhupi Colliery of M/s. K. Worah and Co., Private Ltd., P.O. Chirkunda, Distt. Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the stoppage of Shri Girija Thakur, Surface Trammer, from work with effect from the 29th October, 1964 and his subsequent dismissal from service with effect from the 12th December 1964 by the management of M/s. East Kumar-dhuli Colliery of M/s. K. Worah and Co., Private Ltd., P.O. Chirkunda, Distt. Dhanbad was an act of victimisation? If so, to what relief is the workman entitled?

[No. 2/57/65-LR.II.]

S.O. 3302.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dhori Colliery, Post Office Bermo, District Hazaribagh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- “(1) Whether the closure of B.I. 10, B.I. 10A and Amlo Mincs of the Dhori Colliery and the retrenchment of 743 workmen with effect from the 1st July, 1965 by the management of the Dhori Colliery, Post Office Bermo, District Hazaribagh, are legal and justified?
- (2) If not, to what relief are the workmen entitled?”

[No. 8/70/65-LR.II.]

New Delhi, the 14th October 1965

S.O. 3303.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pure Kustore Colliery of M/s Pure Kustore Colliery Co. Ltd., P.O. Kusunda (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the action of the management of Pure Kustore Colliery of M/s Pure Kustore Colliery Co. Ltd., P.O. Kusunda (Dhanbad) in terminating with effect from the 13th May, 1965 the lion on the appointment of Shri Dudhu Bhar, Miner of No. 4 Pit and placing his name in the Badli List, is an act of victimisation?
- (2) If so, to what relief is the workman entitled?

[No. 2/71/65-LR.II.]

S.O. 3304.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hercules Insurance Company Limited, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of

which Shri S. Ganapathia Pillai shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

1. Whether Shri T. M. Guhanandam, a clerk in the Esplanade Branch office of the Hercules Insurance Company Limited, Madras is entitled to an allowance in view of his added responsibility for handling cash, cheques, stamps etc.?
2. If so, what should be the quantum of allowance and from which date? [No. 70(13)/65-LRIV.]

New Delhi, the 15th October 1965

S.O. 3305.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Calcutta Port Commissioners, Calcutta and their workmen represented by the National Union of Port Trust Employees in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of 1 to 26 K. G. Gangs for booking along with other K. G. Gangs is justified in view of the condition of appointment accepted by each individual workman of these gangs? If so, what should be the relief?

[No. 28/75/65/LRIV.]

S.O. 3306.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to M/s. Kanji Jadhavji and Company Gandhidham, Kutch and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the management of M/s. Kanji Jadhavji and Company is justified in not implementing the interim recommendations of the Wage Board for Port and Dock Workers, as published vide Government of India, Ministry of Labour and Employment, resolution No. WB 21(13)/65, dated the 27th April, 1965 in respect of the Foodgrain handling workers at Kandla Port. If not, to what relief are the workmen entitled to and from which date.

[No. 28/90/65/LRIV.]

S.O. 3307.—Whereas an Industrial dispute exists between the Associated Cement Companies Limited, Nowrozabad Colliery, P.O. Nowrozabad (hereinafter referred to as the said company) and their workmen represented by the Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad, District Shahdol (Madhya Pradesh) (hereinafter referred to as the Union);

And, whereas the said Company and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to the arbitration of the person specified therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 30th September, 1965.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

NAMES OF PARTIES:

Representing Employers.—Mr. G. L. Govil, Senior Personnel Officer, The Associated Cement Cos. Ltd., Nowrozabad Colliery, P.O. Nowrozabad Colliery.

Representing Workmen.—Mr. K. B. Chougule, General Secretary, Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad.

Whereas an understanding was reached in July 1965 between the parties to refer the following industrial dispute under Sec. 10A of the I.D. Act to the arbitration of Mr. F. Jeejeebhoy, Retired President, Labour Appellate Tribunal of India, residing at 'Firuz-Ara', Churchgate Reclamation, Bombay-1.

And whereas on being orally requested by the parties in July 1965 Shri F. Jeejeebhoy indicated his willingness to act as an Arbitrator;

Now, therefore it is hereby agreed between the parties to refer the following dispute under Section 10A of the I.D. Act to the arbitration of Mr. F. Jeejeebhoy.

(i) Specific matters in dispute:

"Whether the dismissal of Shri Durga Prasad Singh, Drill Machine driver, by the Management of Nowrozabad Colliery, P.O. Nowrozabad, Distt. Shahdol (Madhya Pradesh) with effect from the 23rd November 1963 was justified? If not, to what relief is the workman entitled?"

The aforesaid dispute was referred by the Central Government to the Industrial Tribunal, Madhya Pradesh, Indore, for adjudication, as per Notification annexed hereto and marked as Annexure "A". The parties by their joint application dated 26th August 1965 to the said Tribunal asked for permission to withdraw the aforesaid Reference and the said Tribunal by its order dated 1st September, 1965 granted the permission for withdrawal of the said dispute.

(ii) Details of the parties to the dispute including the name and address of the establishment of undertaking involved:

(a) The Associated Cement Cos. Ltd., Nowrozabad Colliery, P.O. Nowrozabad.

(b) The Workmen of the Nowrozabad Colliery as represented by the Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad.

(iii) Name of the Union representing the workmen in question:

The Nowrozabad Colliery Mazdoor Sangh, P.O. Nowrozabad, Dist. Shahdol (M.P.).

(iv) Estimated number of workmen affected or likely to be affected by the dispute:

About 1900.

We further agree that the decision of the said Arbitrator shall be binding on us.

Dated at Bombay, this 27th day of September 1965.

Witness :

1. (M. S. KAPUR)

2. (G. B. SWAMY)

I consent as previously indicated to act as Arbitrator.

Signature of Parties:

(G. L. GOVIL) (Representing Employer)

(K. B. CHOGULE) (Representing Workmen)

(Sd.) F. JEEJEEBHOY,
Arbitrator.

ANNEXURE "A"
MINISTRY OF LABOUR AND EMPLOYMENT

ORDER

New Delhi, the 29th December, 1964

S.O. 146.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Nowrozabad Colliery, P.O. Nowrozabad, Distt. Shahdol (Madhya Pradesh) and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication:

Now therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub section (1) of Section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohd. Abdul Razzaque, B.Sc., LL.B. (Retired Judge of Madhya Pradesh High Court) as the Presiding Officer, with Head quarters at New Moti Bungalow, 46 Mahatma Gandhi Road, Indore City and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the dismissal of Shri Durga Prasad Singh, Drill Machine Driver, by the management of Nowrozabad Colliery, P.O. Nowrozabad, Distt. Shahdol (Madhya Pradesh) with effect from the 23rd November 1963, was justified: If not, to what relief is the workmen entitled?

[No. 5/8/64-LR II]

H. C. MANGHANI, Under Secy.

[No. 8/101/65/LR II.]

New Delhi, the 16th October 1965

S.O. 3308.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Mondal's Bilbera Colliery, P.O. Katrasgarh (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

- (1) Whether the action of the management of Mondal's Bilbera Colliery, P.O. Katrasgarh, in terminating the services of S/Shri Radha Bouri, Pump Khalasi and Churaman Mahato, Surface trammer, with effect from the 29th June, 1965 was legal and justified? If not, to what relief are the workmen entitled and from what date?
- (2) Whether the management of Mondal's Bilbera Colliery P.O. Katrasgarh, denied employment unjustifiably to S/Shri Beni Roy, Kali Mahato, Banshi Deswali, Surface Trammers and Lochan Rewani underground Trammer with effect from the 23rd November, 1964? If so, to what relief are the workmen entitled?

[No. 2/80/65-LR II.]

S.O. 3309.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the New Standard Lodna Colliery of New Standard Coal Company Private Limited, Post Office Jharia, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the termination of the services of Dr. Ram Chandra Mukherjee, employed in the New Standard Lodna Colliery of New Standard Coal Company Private Limited, Post Office Jharia, District Dhanbad, with effect from the 8th December, 1963 by the management of Madhavji K. Verma and Sons Private Limited, Post Office Dhansar, District Dhanbad was justified?

(2) If not, to what relief is the workman entitled?

[No. 2/41/65/LRII.]

H. C. MANGHANI, Under Secy.

New Delhi, the 12th October 1965

S.O. 3310.—In exercise of the powers conferred by sub-section 1 of Section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri I. S. Khurani as Inspector of Mines subordinate to the Chief Inspector of Mines and make the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. 531 dated the 2nd March, 1961, namely:—

In the said notification, the following entry shall be added at the end, namely:—

“(85) Shri I. S. Khurana.”

(No. 8/59/64-MI.)

New Delhi, the 13th October 1965

S.O. 3311.—In pursuance of sub-rule (1) of rule 3 of the Coal Mines Rescue Rules, 1959, the Central Government hereby constitute a Committee, consisting of the following members, for the establishment, maintenance and management of Rescue Stations for the areas to which the said rules apply, namely:—

1. Shri H. B. Ghose, Deputy Chief Inspector of Mines.	Nominated by the Chief Inspector of Mines.
2. Shri C. Balram, Area General Manager (Karanpura), National Coal Development Corporation Ltd., P.O. Argada, (Hazaribagh).	Nominated by the National Coal Development Corporation Ltd.
3. Shri C. McLennan, C/o The Equitable Coal Co., Ltd., P.O. Disergarh, (Burdwan). 4. Shri S. N. Bhattacharya, Jharudh, P.O. Dhanbad.	Nominated by the Joint Working Committee of the Indian Mining Association, Indian Mining Federation, Indian Colliery Owners' Association and Madhya Pradesh and Vidarbha Mining Association.
5. Shri B. S. Grewal, Agent on Special Duty, M/s. Shaw Wallace and Co., Ltd., P.O. Parasia, (M.P.).	
6. Shri Nabani Gopal Mitra, C/o Colliery Mazdoor Sangh, Chanch Colliery, P.O. Chirkunda, District Dhanbad, (Bihar).	
7. Shri Ramji Saingh, C/o Colliery Mazdoor Union, Asansol, 27, G. T. Road, Bastin Bazar, P.O. Asansol, District Burdwan.	Nominated by the Central Government to represent the interests of persons employed in mines.
8. Shri Sudhir Rudhra, Colliery Mazdoor Congress, Bengal Hotel, P.O. Asansol, District Burdwan, West Bengal.	
9. Shri Kalyan Roy, General Secretary, Indian Mine Workers' Federation, G. T. Road, Near Provrat Hotel, Asansol, (West Bengal).	

10. Shri J. S. Grewal, General Manager, M/s Rangeeganj Coal Association Ltd., Kustore Colliery, P.O. Kusunda (Dhanbad).

11. Shri A. B. Shah, Agent, M/s Karam Chand Thapar and Bros. (P) Ltd., C/o Begonia Colliery, P.O. Barakar (Burdwan).

Nominated by National Association of Colliery Managers (Indian Branch).

Nominated by Indian Mine Managers' Association.

... [No. 14/8/65-MI.]

B. K. SAKSENA, Under Secy.

New Delhi, the 15th October 1965

S.O. 3312.— In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (II of 1948) and in supersession of notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1585 dated the 2nd May, 1964, the Central Government hereby appoints the undermentioned officers to be Inspectors for the purposes of the said Act within the local limits noted against each :—

I 1. Chief Labour Commissioner (Central), New Delhi
 2. Deputy Chief Labour Commissioner (Central), New Delhi
 3. Deputy Chief Labour Commissioner (Central) (Training), New Delhi,
 4. Regional Labour Commissioner (Central) (Training), New Delhi,
 5. Regional Labour Commissioner (Central) (Chief Labour Commissioner's Headquarters), New Delhi.
 6. Welfare Adviser to the Chief Labour Commissioner (Central), New Delhi.
 7. Assistant Labour Commissioner (Training), New Delhi

Whole of India except the State of Jammu and Kashmir.

II. 1. Regional Labour Commissioner (Central), Bombay
 2. Assistant Labour Commissioner, Bombay-I
 3. Assistant Labour Commissioner, Bombay-II
 4. Assistant Labour Commissioner, Bombay-III
 5. Assistant Labour Commissioner, Nagpur
 6. Assistant Labour Commissioner, Vascodagama
 7. Labour Enforcement Officer in Bombay region with headquarters at :—
 (i) Bombay-I
 (ii) Bombay-II
 (iii) Bombay-III
 (iv) Poona
 (v) Ahmedabad
 (vi) Bhusawal
 (vii) Rajkot
 (viii) Nagpur
 (ix) Chanda
 (x) Kandla Headquarters
 (xi) Bombay (Headquarters-I)
 (xii) Bombay (Headquarters-II)
 (xiii) Baroda
 (xiv) Vascodagama
 (xv) Ponda

The States of Gujarat, Maharashtra and the Union Territory of Goa, Daman & Diu.

III. 1. Regional Labour Commissioner (Central), Calcutta
 2. Assistant Labour Commissioner, Calcutta-I
 3. Assistant Labour Commissioner, Calcutta-II
 4. Assistant Labour Commissioner, Calcutta (Headquarters-I)
 5. Assistant Labour Commissioner, Calcutta (Headquarters-II).
 6. Assistant Labour Commissioner, Shillong
 7. Assistant Labour Commissioner, Asansol
 8. Assistant Labour Commissioner, Raniganj
 9. Assistant Labour Commissioner, Jharsuguda

10. Labour Enforcement Officers in Calcutta region with headquarters at :

- (i) Calcutta-I
- (ii) Calcutta-II
- (iii) Gauhati
- (iv) Dibrugarh
- (v) Kharagpur
- (vi) Calcutta (Headquarters-I)
- (vii) Calcutta (Headquarters-II)
- (viii) Tezpur
- (ix) Neamatpur
- (x) Raniganj
- (xi) Asansol
- (xii) Ukhra
- (xiii) Tinsukhia
- (xiv) Cuttack
- (xv) Siliguri
- (xvi) Jharsuguda
- (xvii) Barbil

The States of West Bengal, Assam, Orissa and Nagaland and the Union Territories of Manipur and Tripura.

II. Junior Labour Inspector (Central) with headquarters at :

- (i) Asansol
- (ii) Sitarampur
- (iii) Raniganj

IV. 1. Regional Labour Commissioner (Central), Madras

2. Assistant Labour Commissioner, Madras

3. Assistant Labour Commissioner, Madras (Headquarters)

4. Assistant Labour Commissioner, Cochin

5. Labour Enforcement Officers in Madras region with headquarters at :

- (i) Tiruchirapalli
- (ii) Coimbatore
- (iii) Madurai
- (iv) Trivandrum
- (v) Madras
- (vi) Madras (Headquarters-I)
- (vii) Madras (Headquarters-II)
- (viii) Cochin

The States of Madras and Kerala and the Union Territory of Pondicherry.

V. 1. Regional Labour Commissioner (Central), Jabalpur

2. Assistant Labour Commissioner, Jabalpur

3. Assistant Labour Commissioner, Ajmer

4. Labour Enforcement Officers in Jabalpur region with headquarters at :

- (i) Jabalpur
- (ii) Parasia
- (iii) Ajmer
- (iv) Bhilwara
- (v) Ratlam
- (vi) Jabalpur (Headquarters-I)
- (vii) Jabalpur (Headquarters-II)
- (viii) Jabalpur (Headquarters-III)
- (ix) Jodhpur
- (x) Raipur
- (xi) Balaghat
- (xii) Chirimiri
- (xiii) Bikaner

The States of Madhya Pradesh and Rajasthan.

5. Junior Labour Inspector (Central) with headquarters at :

- (i) Katni, (ii) Parasia.

VI. 1. Regional Labour Commissioner (Central), Kanpur

2. Assistant Labour Commissioner, Kanpur

3. Assistant Labour Commissioner, Kanpur (Headquarters)

4. Assistant Labour Commissioner, Delhi-I

5. Assistant Labour Commissioner, Delhi-II

6. Labour Enforcement Officers in Kanpur region with headquarters at :

- (i) Delhi-I
- (ii) Delhi-II
- (iii) Delhi-III
- (iv) Gorakhpur
- (v) Allahabad

The States of Uttar Pradesh and Punjab and the Union Territories

<ul style="list-style-type: none"> (vi) Lucknow (vii) Bareilly (viii) Jullundur (ix) Ambala (x) Kanpur (xi) Kanpur (Headquarters) <p>7. Junior Labour Inspector (Central), Agra</p>	} of Himachal Pradesh and Delhi.
<p>VII. 1. Regional Labour Commissioner (Central), Dhanbad</p> <p>2. Assistant Labour Commissioner, Dhanbad-I</p> <p>3. Assistant Labour Commissioner, Dhanbad-II</p> <p>4. Assistant Labour Commissioner, Hazaribagh</p> <p>5. Assistant Labour Commissioner, Dhanbad (Headquarters-I).</p> <p>6. Assistant Labour Commissioner, Dhanbad (Headquarters-II).</p> <p>7. Labour Enforcement Officers in Dhanbad region with headquarters at :</p> <ul style="list-style-type: none"> (i) Ranchi (ii) Patna (iii) Dhanbad (iv) Katrasgarh (v) Koderma (vi) Muzaffarpur (vii) Giridih (viii) Pakur (ix) Jharia East (x) Jharia West (xi) Bhagmara-I (xii) Bhagmara-II (xiii) Chirkunda (xiv) Ramgarh (xv) Kirkend (xvi) Patherdih (xvii) Chaibasa (xviii) Dhanbad (Headquarters) (xix) Bermo (xx) Katihar (xxi) Dhanbad (Implementation) (xxii) Domchanch <p>8. Junior Labour Inspectors (Central) with headquarters at :</p> <ul style="list-style-type: none"> (i) Katrasgarh (ii) Bermo (iii) Bhagmara (iv) Nirsa (v) Dehri-on-Sone (vi) Dhanbad 	} The State of Bihar
<p>VIII. 1. Regional Labour Commissioner (Central), Hyderabad</p> <p>2. Assistant Labour Commissioner, Visakhapatnam</p> <p>3. Assistant Labour Commissioner, Hyderabad</p> <p>4. Assistant Labour Commissioner, Bangalore</p> <p>5. Labour Enforcement Officers in Hyderabad region with headquarters at :-</p> <ul style="list-style-type: none"> (i) Visakhapatnam (ii) Vijayawada (iii) Gudur (iv) Guntakal (v) Hyderabad (vi) Arsikere (vii) Kothagudium (viii) Hyderabad (Headquarters-I) (ix) Hyderabad (Headquarters-II) (x) Kolar Gold Fields (xi) Bangalore (xii) Ilubli (xiii) Mancherial 	} The States of Andhra Pradesh and Mysore.

New Delhi, the 15th October 1965

S.O. 3313.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Fourth Amendment Scheme, 1965.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, in sub-clause (2) of clause 7, after the words “training and welfare measures for dock workers” the brackets and words “(including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the Staff of the Board)” shall be inserted.

[No. 519/56/65-Fac.]

S.O. 3314.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) Second Amendment Scheme, 1965.

2. In the Cochin Dock Workers (Regulation of Employment) Scheme, 1959, in sub-clause (2) of clause 7, after the words “training and welfare measures for dock workers” the brackets and words “(including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the Staff of the Board)” shall be inserted.

[No. 519/56/65-Fac.]

S.O. 3315.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Cochin Dock Workers (Regulation of Employment) First Amendment Scheme, 1965.

2. In the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, in sub-clause (2) of clause 7, after the words “training and welfare measures for dock workers” the brackets and words “(including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the Staff of the Board)” shall be inserted.

[No. 519/56/65-Fac.]

S.O. 3316.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Madras Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Madras Dock Workers (Regulation of Employment) First Amendment Scheme, 1965.

2. In the Madras Dock Workers (Regulation of Employment) Scheme, 1956, in sub-clause (2) of clause 7, after the words “training and welfare measures for dock workers” the brackets and words “(including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the Staff of the Board)” shall be inserted.

[No. 519/56/65-Fac.]

S.O. 3317.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) Second Amendment Scheme, 1965.

2. In the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, in sub-clause (2) of clause 7, after the words “training and welfare measures for dock workers” the brackets and words “(including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the Staff of the Board)” shall be inserted.

[No. 519/56/65-Fac.]

New Delhi, the 16th October 1965

S.O. 3318.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following further amendment in the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Mormugao Dock Workers (Regulation of Employment) First Amendment Scheme, 1965.

2. In the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, in sub-clause (2) of clause 7, after the words "training and welfare measures for dock workers" the brackets and words "(including assistance by way of grant of loan or otherwise to Co-operative Societies formed for the exclusive benefit of dock workers and the staff of the Board)" shall be inserted.

[No. 519/56/65-Fac.]
K. D. HAJELA, Under Secy.

[Office of the Chief Labour Commissioner(C)]

ORDER

New Delhi, the 12th October 1965

S.O. 3319.—Whereas an application has been made by the establishments carrying on operation concerning Coal Mine mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965, for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965, I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1964.

THE SCHEDULE.

1. Damodar Coal Co. Private Ltd., P.O. Raniganj, Burdwan.	(in respect of Damoda Colliery).
2. Dighapatiya Junior Raj Nudkhurkee Collieries P.O. Nudkhurkee (Dhanbad).	(in respect of Dighapatiya Junior Raj Nudkhurkee Collieries).
3. East Bengal Coal Concern Private Ltd., P.O. Nawagarh, Distt. Dhanbad.	(in respect of East Benidih Colliery).
4. Equitable Coal Company Ltd., Fairlie Place, Calcutta-1.	
5. Harkrishan Singh Chopra and Bro., (Collieries) Private Ltd., P.O. Charanpur, District Burdwan.	(in respect of Adjai Second Colliery).
6. Karanpura Dewardhanda Colliery Co., Private Ltd., F-3, Gillander House, 8 Nctaji Subhas Road, Calcutta-1.	(in respect of Colliery at P.O. Khalari Distt. Ranchi).
7. Khas Bhuggatdih Colliery Co., P.O. Jharia, E. Rly. (Dhanbad).	(in respect of Khas Bhuggatdih Colliery).
8. Madanlal Basawatia P.O. Jharia (Dhanbad).	(in respect of Pure Bansjora Colliery).
9. North Keshalpure Colliery Private Ltd., P.O. Katrasgarh (Dhanbad).	
10. Pure Bhuggatdih Colliery Co., P.O. Jharia (Dhanbad).	(in respect of Pure Bhuggatdih Colliery).

[No. BO-25(3)/1/65.]
TEJA SINGH SAHNI,
Chief Labour Commissioner (C).

MINISTRY OF INDUSTRY & SUPPLY

(Department of Industry)

ORDER

New Delhi, the 15th October 1965

S.O. 3320.—Whereas departmental proceedings under Central Civil Services (Classification, Control and Appeal) Rules, 1957 are pending against Shri P. D. Daptardar, Demonstrator, Small Industries Service Institute, Bombay.

And whereas the post of Director, Small Industries Service Institute, Bombay, who is the disciplinary authority, according to the schedule to the Notification of the Government of India, in the late Ministry of Commerce and Consumer Industries No. S.R.O. 631, dated 28th February, 1957 as amended by Ministry of Industry & Supply Notification No. F. 4/1/64-Vig., dated 27th August, 1964 (issued under S.O. 3331), is lying vacant.

Now, therefore, the President in exercise of the powers conferred by Clause (b) of Sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957 hereby orders that the Joint Development Commissioner, in the office of the Development Commissioner Small Scale Industries, will act as the disciplinary authority for imposing all the penalties mentioned in rule 13 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957 and Development Commissioner, Small Scale Industries, will act as the Appellate Authority in the instant case.

[No. 4/1/64-Vig.]

N. CHIDAMBARAM, Dy. Secy.

(Department of Industry)

(Indian Standards Institution)

New Delhi, the 8th October 1965

S.O. 3321.—In pursuance of sub-regulation (1) of regulation 5 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been cancelled.

THE SCHEDULE

Sl. No. and Title of the Indian Standard Cancelled	No. and Date of the Gazette Notification in which Establishment of the Indian Standard was notified
1. IS: 604-1959 Code of practice for construction of foodgrain storage structures suitable for trade and Government purposes for the <i>northern</i> region.	S.O. 224 dated 16 January 1961 published in the Gazette of India, Part II, Section 3(ii), dated 28 January 1961.
2. IS: 605-1960 Code of practice for construction of foodgrain storage structures suitable for trade and Government purposes for the <i>central</i> region.	S.O. 570 dated 6 March 1961 published in the Gazette of India, Part II, Section 3(iii), dated 18 March 1961.
3. IS: 606-1955 Code of practice for construction of foodgrain storage structures suitable for trade and Government purposes for the <i>eastern</i> region.	S.R.O. 1033 dated 20 April 1955 published in the Gazette of India, Part II, Section 3, dated 5 May 1956.
4. IS: 608-1955 Code of practice for construction of foodgrain storage structures suitable for trade and Government purposes for the <i>coastal</i> region.	

[No. MD/13:7.]

S.O. 3322.—In pursuance of sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established during the period 1 to 8 October 1965.

THE SCHEDULE

Sl. No.	No. and Title of the Indian Standard Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Brief Particulars
1	2	3	4
1.	IS: 607-1965 Code of practice for construction of bagged food grain storage structures suitable for trade and Government purposes (revised).	IS: 607-1955 Code of practice for construction of food grain storage structures suitable for trade and Government purposes for the southern region.	This standard covers the method of construction for bagged food grain storage structures chiefly intended for trade and Government purposes. (Price Rs. 4.50).
2.	IS: 1264-1965 Specification for brass ingots for gravity die castings and brass gravity die castings (including naval brass) (revised).	IS: 1264-1958 Specification for brass ingots for gravity die castings and brass gravity die castings (including naval brass).	NOTE—This revised standard is applicable to the whole country and replaces IS: 604-1959, IS: 605-1960, IS: 606-1955 and IS: 608-1955.
3.	IS: 2541-1965 Code of practice for use of lime concrete in buildings.	..	This standard covers the requirements for two grades, namely, CuZn4O and CuZn37Sn of brass ingots for gravity die castings and brass gravity die castings. (Price Rs. 1.50).
4.	IS: 2848-1965 Specification for platinum resistance thermometer elements.	..	This code covers the use of lime concrete in building work and includes requirements for materials, method of preparation, laying and finishing of concrete for different situations of use. (Price Rs. 4.50).
5.	IS: 2934 (Part I)-1964 Specification for non-wire-wound variable resistors Potentiometers Type 2 Part I Tests and general requirements.	..	This standard specifies requirements for temperature detecting industrial platinum resistance elements adjusted to give a specific change of electrical resistance for a stated temperature change for use on dc and ac up to 1 000 c/s. (Price Rs. 3.50).
			This part of the standard covers methods of measurement and general requirements for non-wire-wound variable resistors (potentiometers suitable for application in circuits where high stability of the resistance is not of major importance) used in electronic and tele-communication equipment (Price Rs. 6.00).

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6. IS: 3005-1964 Specification for grey cast iron in moulds, stools and slag ladles.	..	Th's standard covers the requirements for grey cast iron ingot moulds, stools and slag ladles. (Price Rs. 5.50).
7. IS: 3091-1965 Specification for aluminium bronze ingots and castings for overhead fittings in electric traction.	..	This standard covers the requirements of aluminium bronze ingots and castings for overhead fittings in electric traction (Price Rs. 1.50).
8. IS: 3127-1965 Specification for seeds of onion.	..	This standard prescribes the requirements for seeds of onion (<i>Allium cepa</i> L.) (Price Re. 1.00).
9. IS: 3128-1965 Specification for seeds of lettuce.	..	This standard prescribes the requirements for seeds of lettuce (<i>Lactuca sativa</i> L.) (Price Re. 1.00).
10. IS: 3158-1965 Specification for aluminium cylindrical silver cans for spinning mills.	..	This standard prescribes the requirements for cylindrical silver cans with recessed base, made of aluminium alloy, for use in spinning mills. (Price Rs. 1.50).
11. IS: 3165-1965 Specification for weaver's beams for use in plain calico looms.	..	This standard prescribes the requirements for weaver's beams for use in plain calico looms for cotton and other spun yarns. (Price Rs. 1.50).

Copies of these Indian Standards are available, for sale, with the Indian Standards Institution, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5, Chawringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:2.1]

New Delhi, the 13th October 1965

S.O. 3323.—In licence No. CM/L-778, dated 27th August 1964 held by M/S. Oriental Power Cables Ltd., Cabelnagar, Distt. Kota (Rajasthan), the details of which are published under S.O. 3019 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 25th September 1965, the list of articles has been revised as under with effect from 20th September 1965:

Paper insulated lead sheathed cables (with aluminium conductors) for electricity supply up to and including 33 KV.

[No. MD/12:1377.]

S.O. 324—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks), Regulations, 1955, the Indian Standards Institution hereby notifies that fifteen licences, particulars of which are given in the Schedule hereto annexed, have been granted authorizing the licensees to use the Standard Mark.

THE SCHEDULE

S. No.	Licence No. and Date	Period of From	Validity To	Name and Address of the Licencee Article/Process Covered by the Licence	Relevant Indian Standard	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	CM/L-1135 1-9-1965	16-9-65	15-9-66	M/s. Bengal Tar Products, P.O. DDT Dusting Powders. Pradhankhunta, Dhanbad (Bihar) having their office at 73, Netaji Subhas Road, Calcutta-I.	IS: 564-1961. Specification for DDT Dusting Powders (Revi- sed).	
2.	CM/L-1136 3-9-65	1-10-65	30-9-66	M/s. Cyanamid India Ltd., Atiul, Via Bulsar, having their Regis- tered office at 'The Inter- national', 16, Queens' Road, Bombay-I.	IS : 1832-1961. Specification for Malathion, Technical.	
3.	CM/L-1137 8-9-65	1-10-65	30-9-66	M/s. Mahendra Electricals Ltd., Kamla Mission Road, Nadiad (W. Rly.), Gujarat State.	PVC Insulated (Heavy Duty) Elec- tric Cables for Working Voltages Upto and including 1 100 Volts with Copper and Aluminium Conductors.	IS : 1554 (Part I)-1961. Specifi- cation for PVC Insulated (Heavy Duty) Electric Cables for Work- ing Voltages Upto and including 1 100 Volt.
4.	CM/L-1138 8-9-1965	1-10-65	30-9-66	M/s. Shiva Durga Iron Works (P) Ltd., 156/I & 172/II, Madhu- sudhan Pal Chowdhury Lane, Howrah.	Sluice Valves for Water Works Purposes (Inside Screw Non- Rising Spindle Type) Class 1, Size Upto 80 mm.	IS : 780-1963. Specification for Sluice Valves Upto 300 mm size for Water Works Purposes (Inside Screw Non-Rising Spindle Type (Revised).
5.	CM/L-1139 14-9-1965	1-10-65	30-9-66	M/s. Empree Insecticides & Ferti- lizers (Private) Ltd., Nasarwan Wada, Katni (M.P.) having their office at Nelson Square, Nagpur.	DDT Dusting Powders.	IS : 564-1961. Specification for DDT Dusting Powders. (Revi- sed).
6.	CM/L-1140 14-9-1965	1-10-65	30-9-66	M/s. Bengal Tar Products, P.O. Pradhankhunta, Distt. Dhanbad (Bihar) having their office at 73, Netaji Subhas Road, Calcutta-I.	BHC Dusting Powders.	IS : 561-1962. Specification for BHC Dusting Powders.

7. CM/L-1141 14-9-1965	1-10-65	30-9-66	M/s. Bengal Tar Products, P.O. Pradhan Khunta, Distt. Dhanbad (Bihar) having their office at 73, Netaji Subhas Road, Calcutta-1.	Endrin Emulsifiable Concentrates.	IS : 1310-1958. Specification for Endrin Emulsifiable Concentrates.
8. CM/L-1142 14-9-1965	1-10-65	30-9-66	M/s. Bengal Tar Products, P.O. Pradhan Khunta, Distt. Dhanbad (Bihar) having their office at 73, Netaji Subhas Road, Calcutta-1.	BHC Emulsifiable Concentrates.	IS : 632-1958. Specification for BHC Emulsifiable Concentrates (Revised).
9. CM/L-1143 14-9-1965	1-10-65	30-9-66	M/s. Bengal Tar Products, P.O. Pradhan Khunta, Distt. Dhanbad (Bihar) having their office at 73, Netaji Subhas Road, Calcutta-1.	DDT Emulsifiable Concentrates.	IS : 633-1956. Specification for DDT Emulsifiable Concentrates.
10. CM/L-1144 14-9-1965	16-10-65	15-10-66	M/s. Auto Pins (India), Regd., Plot No. 16, Industrial Area, Faridabad having their office at Kashmere Gate, Delhi-6.	Leaf Springs and Leaf Sections for Automobile Suspension.	IS : 1135-1957. Specification for General Requirements for Leaf Springs for Automobile Suspension.
11. CM/L-1145 14-9-1965	1-10-65	30-9-66	M/s. Empee Insecticides & Fertilizers Private Ltd., Nasarwan Wada Katni (M.P.) having their office at Nelson Square, Nagpur.	BHC Dusting Powders.	IS : 561-1962. Specification for BHC Dusting Powders.
12. CM/L-1146 17-9-1965	16-10-65	15-10-66	M/s. Lillcoah Steel and Wire Co. Ltd., 15/2, Balur Road, Lillcoah, Howrah having their Regd., office at 171/A, Mahatma Gandhi Road, Calcutta-7.	Structural Steel (Standard Quality), Tested Steel Up to 25 mm (1 to 25 (1 inch) dia rounds and other sections of equivalent area only.	IS : 226-1962. Specification for Structural Steel (Standard Quality) (Third Revision).
13. CM/L-1147 17-9-1965	16-10-65	15-10-66	M/s. Lillcoah Steel and Wire Co. Ltd., 15/2, Balur Road, Lillcoah, Howrah having their Regd., office at 171/A, Mahatma Gandhi Road, Calcutta-7.	Structural Steel (Ordinary Quality), tested steel up to 25 mm (1 inch) dia rounds and other sections of equivalent area only.	IS : 1977-1962. Specification for Structural Steel (Ordinary Quality).
14. CM/L-1148 27-9-1965	16-10-65	15-10-66	M/s. Ajax Electricals, 18, D.L.F. Industrial Area, Naijgarh Road, New Delhi-15.	Small AC Electric Motors with Glass 'A' Insulation, Single Phase, Capacitor Start.	IS : 956-1959. Specification for Small AC and Universal Electric Motors with Glass 'A' Insulation.
15. CM/L-1149 29-9-1965	1-10-65	30-9-66	M/s. Fort Glester Industries Ltd., Bauria, S.E. Railway, having their office at 14, Netaji Subhas Road, Calcutta-1.	Single Core (Unsheathed) PVC Insulated Cables with Aluminium Conductors, 250/140 Volts and 650/100 Volts Grades.	IS : 693 (Part II-1964. Specification for PVC Insulated Cables (For voltages upto 100 V) with Aluminium Conductors (Revised).

S.O. 3325.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s), given in the Schedule hereto annexed, have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. and Date of Gazette Notifica- tion in which the establish- ment of the Indian Standard was notified.	No. and Date of the Brief particulars of the Amendment Amendment	Date from which the amendment shall have effect	
1	2	3	4	5	6
1	IS-275-1961 Specification for S.O. 553 dated 2 March, 1963. (Second revision).	No. 1 June 1965.	Clause 8.1.5, line 4—Substitute 'shouldered' for 'soldered'.		
2	IS : 294-1962 Specification for superphosphate (revised).	S.O. 3881 dated 29 December, 1962.	No. 1 July 1965.	Clause 5.1 has been substituted by a new one.	
3	IS: 303-1960 Specification for plywood for general purposes (revised).	S.O. 570 dated 18 March, 1961.	No. 3 July 1965	Additional species of timber have been added in Appendix A.	
4	IS: 395-1962 Specification for lead-acid storage batteries (light duty) for motor vehicles (second revision).	S.O. 2370 dated 14 August, 1963.	No. 2 July 1965.	(i) Clause 0.2 (d), line 2—Substitute 'at low temperature' for 'as low temperature'.	15 October 1965.
				(ii) Notes have been added at the end of clauses 6.7.1 and 6.7.3.	
5	IS : 456-1964 Code of practice for plain and reinforced concrete (second revision).	S.O. 2042 dated 26 June, 1965.	No. 2 July 1965.	Clauses 15.1.3, C-2.1 and Note 4 under Fig. 15 have been amended.	
6	IS : 493-1958 Specification for machinery and spindle oil (amended).	S.O. 2464 dated 29 December, 1958.	No. 3 July 1965.	Table 1 of the second reprint, October 1964 has been am- ended.	

7	IS: 590-1964 Specification for fixed paper dielectric capacitors for dc (revised)	S.O. 735 dated 6 March 1965	No. 1 July 1965	Appendix A, clauses B-1.1.3, B-2.2 and Table 1 have been amended.
8	IS : 594-1962 Specification for common salt for fish-curing (revised)	S.O. 3100 dated 13 October 1962	No. 1 July 1965	Clause 3.3.1 has been deleted.
9	IS : 595-1954 Specification for blown rape (or mustard) oil for use in lubricants	S.R.O. 658 dated 26 March 1955	No. 1 May 1965	The existing values appearing in the standard have been substituted by metric values.
10	IS : 620-1962 Specification for general requirements for wooden tool handles (revised)	S.O. 3226 dated 27 October 1962	No. 1 June 1965	A new item '10 SAMPLING' and a new Appendix 'G' have been added.
11	IS : 797-1955 Specification for common salt for chemical industries	S.R.O. 846 dated 14 April 1956	No. 1 July 1965	Clause 3.2.1 has been deleted.
12	IS : 826-1955 Specification for ammonium sulphate, technical	S.R.O. 1033 dated 5 May 1956	No. 2 July 1965	(i) The title of the standard, clause 3.1, caption of table I and titles of Appendix A & B have been substituted by new ones. (ii) Clause 1.1 has been amended.
13	IS : 620-1958 Specification for common salt for animal consumption	S.O. 761 dated 11 April 1959	No. 1 July 1965	Clause 3.2.1 has been deleted.
14	IS : 1003-1957 Specification for timber panelled and glazed doors and windows	S.O. 1214 dated 28 June 1958	No. 2 August 1965	(i) Clause 6.5 has been amended. (ii) Clauses 4.1.3, 6.1.1 and 6.4 have been substituted by new ones.
15	IS : 1009-1957 Specification for maida	S.R.O. 3640 dated 16 November 1957	No. 2 August 1965	(i) Clauses 3.1, 7.1, Appendix A, clauses F-2.1, J-1.2, J-1.5 and J-2.1 have been substituted by new ones. (ii) Table I, clauses F-1.1 and J-3.1 have been amended.

15 October, 1965.

(1)	(2)	(3)	(4)	(5)	(6)
16.	IS : 1038-1957 Specification for steel doors, windows and ventilators.	S.O. 544 dated 19 April, 1958.	No. 2 July 1965	A new clause 6.1.3 has been added.	
17.	IS : 1058-1962 Specification for commercial metric capacity measures (revised).	S.O. 3593 dated 1 December, 1962	No. 2 July 1965	Clause 6.5 has been amended.	
18.	IS : 1116-1960 Specification for hard rubber containers for motor vehicle batteries.	S.O. 2960 dated 10 December, 1960.	No. 1 July 1965	<ul style="list-style-type: none"> (i) The title of the standard and clause B-2.1.1 have been substituted by new ones. (ii) Clauses 0.2, 1.1 and B-2.2.1 have been amended. (iii) A new clause 0.5 has been added and the existing clauses 0.5, 0.6 and 0.7 have been renumbered as 0.6, 0.7 and 0.8 respectively. 	15 October, 1965.
19.	IS : 1291-1958 Specification for cattle licks. (plain and mineralized).	S.O. 2110 dated 26 September, 1959.	No. 1 July 1965.	Clause 5.3.1 has been deleted.	
20.	IS : 1317-1958 Specification for edible tapioca chips.	S.O. 1438 dated 27 June, 1959.	No. 1 August 1965.	<ul style="list-style-type: none"> (i) Clauses 0.4 and 0.4.1 have been amended. (ii) Clauses C-1.1 and E-1.1 have been substituted by new ones. (iii) Appendix K has been deleted. 	
21.	IS : 1318-1958 Specification for edible tapioca flour.	S.O. 1438 dated 27 June, 1959.	No. 1 July 1965.	<ul style="list-style-type: none"> (i) Clauses 0.4, 0.4.1 and D 1.1 have been amended. (ii) Clause 4.4 has been substituted by a new one. 	

22 IS:1388-1959 Specification for S.O. 485 dated 27 February, 1960 No. 1 July 1965 . (i) Clauses 5.2, 5.2.1 and 5.2.2 have been substituted by new ones.
 (ii) Clause 5.6 has been substituted by a new one.
 (iii) Appendix B has been deleted, Appendix C redesignated as Appendix B and its clause numbers and reference in clause 5.7 changed accordingly.
 (iv) Redesignated clauses B-1.1 and B-1.2 have been amended.
 (v) Appendix D has been deleted.

23 IS:1484-1959 Specification for S.O. 1463 dated 11 June, 1960 . No. 1 June 1965 . (i) Clauses 0.6 and 0.6.1 have been amended.
 (ii) Clauses 1.1, 3.3, Appendix A, clauses C-1.1, E-1.1, K-1.2, K-1.3, and K-2.1 have been substituted by new ones.
 (iii) Clause K-3.1 has been amended.

24 IS:1514-1959 Methods of S.O. 1572 dated 25 June, 1960 No. 1 October 1962 Item 8 has been substituted by a new one.

25 IS:1541-1959 Specification for S.O. 1862 dated 30 July, 1960 . No. 1 July 1965 . (i) Clauses 5.2 and 5.5 have been substituted by new ones.
 (ii) Appendix B has been deleted, Appendix C redesignated as Appendix B and its clause numbers and reference in clause 5.6 changed accordingly.
 (iii) Redesignated clause B-1.1 has been substituted by a new one.

15 October, 1965.

(1)	(2)	(3)	(4)	(5)	(6)
26	IS:1630-1960 Code of practice for treatment of water for land irrigation.	S.O. 814 dated 15 April, 1961	No. 2 July 1965	(i) Last sentence of sub-clause A-1-2-2 has been deleted. (ii) Clause A-II-2 has been amended.	
27	IS:1719-1961 Specification for felts, woollen, proofed and unproofed.	S.O. 1856 dated 16 June, 1962	No. 1 July 1965	Clauses 5-1-1, 5-13-1, 5-14-1 and 5-4-1 have been amended.	
28	IS:1720-1960 Specification for cotton sewing thread, bleached or dyed.	S.O. 2760 dated 25 November, 1961.	No. 1 July 1965	Clause 0-3 and 5-2-1 have been amended.	
29	IS:1833-1961 Specification for diazinon, technical.	S.O. 2706 dated 18 November, 1961.	No. 2 July 1965	(i) Clause A-2-1 has been amended. (ii) Clauses B-2-6, B-3, B-3-1, B-3-2 and B-3-3 have been substituted by new ones. (iii) New clauses B-2-7 and B-2-8 have been added.	
30	IS:1995-1962 Specification for glass stopcocks.	S.O. 3100 dated 13 October, 1962	No. 1 July 1965	(i) Clauses 7-3 and 7-6 have been substituted by new ones. (ii) Appendix B has been deleted, Appendix C redesignated as Appendix B and its clause numbers and references in clause 7-7 and 7-7-1 changed accordingly.	15 October 1965.
31	IS:2001-1962 Specification for fixed silvered mica capacitors.	S.O. 3226 dated 27 October 1962	No. 1 July 1965	Clause B-2-1 and Table I have been amended.	
32	IS:2026-1962 Specification for power transformers.	S.O. 2698 dated 1 September 1962	No. 1 July 1965	(i) Clause 2-25, item 3, clauses 8-1, 8-2-1, and 17-13-3 have been substituted by new ones. (ii) Sub-clauses 17-13-0 and 17-13-6 have been amended.	

33	IS:2095-1964 Specification for S.O. 618 dated 20 February, 1965. No. 1 July 1965	Clause 7.3.4.1 and table 3 have been amended.
34	IS:2121-1962 Specification for S.O. 1682 dated 22 June, 1963. No. 1 July 1965	(i) Clauses, 2.6, 5.3, 6.3, 7.2, 8.1.3, 8.2.3, 9.3, 5.2, and 8.2.2.1 have been amended. (ii) A new 'Appendix A' has been added.
35	IS:2127-1962 Specification for S.O. 3881 dated 29 December, 1962. No. 1 June 1965	Page 5 Table I, col. 3 against Sl. No. (iii)—Substitute '1.50' for '1.0'.
36	IS:2163-1963 Specification for carbide tipped single point turning tools. S.O. 950 dated 21 March, 1964. No. 1 July 1965	Table I and X have been amended.
37	IS:2274-1963 Code of practice for electrical wiring installations (system voltage exceeding 650 volts). S.O. 1683 dated 22 June, 1963. No. 1 May 1965	Clause 4.3.4, line 2—Substitute '2,000 litres' for '2,200 litres'
38	IS:2371-1963 Specification for solid drawn copper alloy tubes for condensers, evaporators, heaters and coolers using saline and hard water. S.O. 2160 dated 3 August, 1963, No. 1 July 1965	Clause 4.1 has been substituted by a new one.
39	IS:2413-1963 Specification for cotton twine. S.O. 2877 dated 12 October, 1963. No. 1 July 1965	Clauses 10.1 to 10.4, A-1.3, A-2.7 and A-3.6 have been substituted by new ones.
40	IS:2452-1963 Specification for hawser-laid cotton rope. S.O. 3070 dated 2 November, 1963. No. 1 July 1965	Clauses 9.1 to 9.4, B-1.8, B-2.4 and B-3.7 have been substituted by new ones.
41	IS:2453-1963 Specification for cable-laid cotton rope. S.O. 3590 dated 28 December, 1963. No. 1 July 1965	Clauses 9.1 to 9.4, B-1.8, B-4.2 and B-3.7 have been substituted by new ones.
42	IS:2791-1964 Specification for soluble coffee powder. S.O. 83 dated 2 January, 1965. No. 1 August 1965	Clauses 3.1 and D-2.1 have been substituted by new ones.
43	IS:2885-1964 Specification for frozen frog legs. S.O. 895 dated 20 March, 1965. No. 1 July 1965	Clause 3.1, line 2 Substitute 'seven grades' for 'eight grades.'

15 October, 1965

(1)	(2)	(3)	(4)	(5)	(6)
44	IS:2902-1964 Specification for S.O. 2042 dated 26 June 1965 fixed carbon film resistors, Type I.		No. 1 July 1965	Informal table under clause 5.1 has been amended.	15 October 1965.
45	IS:2903-1964 Specification for S.O. 1152 dated 10 April 1965 fixed carbon film resistors, Type II.		No. 1 July 1965	Clause 0.4 and informal table under clause 5.1 have been amended.	

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branch offices at (i) Bombay Mutual Terrace, First Floor, 534 Sardar Vallabhbhai Patel Road, Bombay-7, (ii) Third and Fourth Floors, 5 Chowringhee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2 and (iv) 14/69 Civil Lines, Kanpur.

(No. MD/13 : 5)

S.O. 3326.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that fifty two licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article(s) covered by the Licensee	Relevant Indian Standard
		From	To			
1	2	3	4	5	6	7
1	CM/L-14 3-9-1956	10-9-65	31-8-66	The Metal Rolling Works Private Ltd., 104, Sion-Mutunga Estate, Sion, Bombay-22.	Wrought aluminium and aluminium alloy sheets, strips and circles	IS : 21-1959 Specification for wrought aluminium and aluminium alloys for utensils (second revision)
2	CM/L-17 25-9-1956	27-9-65	30-9-66	M/s. V. Gopalkrishnan Chettiar & Co., Prop. Madura Metal Products, 14-C, Bridge Station Road, Sellur, Tellakulam, Madurai	Wrought aluminium and aluminium alloy utensils	IS : 21-1959 Specification for wrought aluminium and aluminium alloys for utensils (second revision)
3	CM/L-31 4-9-1957	16-9-65	15-9-66	M/s. Tata Fison Industries Ltd., Union Bank Building, Dalal Street, Fort, Bombay	(i) BHC dusting powders (ii) BHC water dispersible powder concentrates	IS : 561-1962 Specification for BHC dusting powders (second revision) IS : 562-1962 Specification for BHC water dispersible powder concentrates (second revision)
4	CM/L-96 13-9-1958	1-10-65	30-9-66	M/s. Travancore Titanium Products Ltd., Kochu Veli, Trivandrum-7.	Titanium dioxide for paints, anatase (type A)	IS : 431-1953 Specification for titanium dioxide for paints.
5	CM/L-93 13-9-1958	1-10-65	30-9-66	M/s. Tata Fison Industries Ltd., Palluruthy, Cochin-5	BHC dusting powders	IS : 561-1962 Specification for BHC dusting powders (second revision)
6	CM/L-99 13-9-1958	1-10-65	30-9-66	M/s. Tata Fison Industries Ltd., Palluruthy, Cochin-5	DDT dusting powders	IS : 564-1961 Specification for DDT dusting powders (revised)
7	CM/L-100 18-9-1958	1-10-65	30-9-66	M/s. Central Trading Co. Private Ltd., 29, Dum Dum Road, Calcutta-28.	Tea-chest plywood panels	IS : 10-1953 Specification for plywood tea-chests (revised)
8	CM/L-101 13-9-1958	1-10-65	30-9-66	The Travancore Timbers & Products, Erayikkadavu, Kottayam, Kerala State.	Tea-chest plywood panels	IS : 10-1953 Specification for plywood tea-chests (revised)

1	2	3	4	5	6	7
9	CM/L-141 24-9-1959	1-10-65	30-9-66	M/s. Tata Fison Industries Ltd., 20 Howrah Road, Salkia, Calcutta.	DDT dusting powders	IS : 564-1961 Specification for DDT dusting powders. (revised)
10	CM/L-142 24-9-1959	1-10-65	30-9-66	M/s. Tata Fison Industries Ltd., 20 Howrah Road, Salkia, Calcutta.	BHC dusting powders	IS : 561-1962 Specification for BHC dusting powders. (second revision)
11	CM/L-143 24-9-1959	1-10-65	30-9-66	The Travancore Plywood Industries, Punalur, Kerala State.	Tea-chest plywood panels	IS : 10-1953 Specification for plywood tea-chests. (revised)
12	CM/L-149 25-9-1959	1-10-65	30-9-66	M/s. Enco Plywood & Sawmill Industries, Siliguri, P. O., Siliguri, Distt. Darjeeling.	Tea-chest plywood panels	IS : 10-1953 Specification for plywood tea-chests. (revised)
13	CM/L-219 31-3-1960	15-9-65	15-9-66	M/s. Motor & Machinery Manufacturers Limited, No. 31 Chittaranjan Avenue, Calcutta.	Three phase induction motors, from 1 HP to 25 HP	IS : 325-1961 Specification for three phase induction motors. (second revision)
14	CM/L-224 16-9-1960	1-10-65	30-9-66	M/s. Swaraj Plywood Works, Kottayam, Kerala State	Tea-chest plywood panels	IS : 10-1953 Specification for plywood tea-chests. (revised)
15	CM/L-225 16-9-1960	1-10-65	31-12-65	M/s. Veneer Mills Private Ltd., Narsingpur West, P. O. Tinsukia, Distt. Lakhimpur, Upper Assam	Tea-chest plywood panels	IS : 10-1955 Specification for plywood tea-chests. (revised)
16	CM/L-339 1-9-1961	15-9-65	15-9-66	Production Centre for Electric Motors (Govt. of India, Ministry of Commerce and Industry), Tiruvalla, Kerala, State.	Three phase induction motors upto 5 Horse Power	IS : 325-1962 Specification for three phase induction motors. (second revision)
17	CM/L-340 20-9-1961	1-10-65	30-9-66	M/s. Mysore Insecticides Co. Pvt. Ltd., 31-A North Beach Road, Madras-1.	DDT dusting powders	IS : 564-1961 Specification for DDT dusting powders. (revised)
18	CM/L-342 20-9-1961	1-10-65	30-9-66	M/s. All India Medical Corporation, Mulji Jetha Building, 185 Princess Street, Bombay.	DDT water dispersible powder concentrates	IS : 565-1961 Specification for DDT water dispersible powder concentrates. (revised)
19	CM/L-348 11-10-1961	1-10-65	30-9-66	The Malwa Vanaspati & Chemical Co. Ltd., Bhagirathpura, Indore.	18-litre square tins	IS : 916-1958 Specification for 18-litre square tins.

20. CM/L-450 30-8-1962	15-9-65	15-9-66	M/s. Coimbatore Premier Corporation Pvt. Ltd., Patel Road, Coimbatore-9 having their Registered Office at 34 Avanashi Road, Coimbatore-1.	Small AC and universal electric motors with class 'A' insulation	IS: 996-1959 Specification for small AC and universal electric motors with class 'A' insulation
21. CM/L-451 30-8-1962	15-9-65	15-9-66	M/s. Coimbatore Premier Corporation Pvt. Ltd., Patel Road, Coimbatore-9 having their Registered Office at 34, Avanashi Road, Coimbatore-1.	Three phase induction motors upto 10 Horse Power	IS: 325-1961 Specification for three phase induction motors (second revision)
22. CM/L-452 3-9-1962	15-9-65	15-9-66	M/s. Northern Minerals Pvt. Ltd., Gurgaon (Punjab) having their office at 138, Kamla Market, New Delhi.	BHC dusting powders	IS: 561-1962 Specification for BHC dusting powders (second revision)
23. CM/L-454 3-1962	15-9-65	15-9-66	M/s. J.D. Jones & Co. (Private) Ltd., 8, Danesh Sheikh Lane, Shibpore, Howrah having their office at C/5, Gillander House, 8, Netaji Subhas Road, Calcutta.	(i) Graphite for paints (ii) Graphite for use as foundry facing material	IS: 62-1950 Specification for graphite for paints IS: 1305-1963 Specification for graphite for use as foundry facing material (revised)
24. CM/L-455 14-9-1962	1-10-65	30-9-66	M/s. Associated Pigments Ltd., 260, Barrackpore Trunk Road, P.O. Sukchar, 24 Parganas, West Bengal, having their office at 14, Netaji Subhas Road, Calcutta-1.	Red lead for paints and jointing purposes, type B and C	IS: 57-1950 Specification for red lead for paints and jointing purposes
25. CM/L-456 14-9-1962	1-10-65	30-9-66	M/s. Grandlay Electricals (Ir. dia), Type Military Prade Road, Radio Colony, Delhi having their office at 2656 Sadar Thana Road, Delhi-6.	Volatge Grade Conduc- tor	
				(a) <i>VIR Cables for Fixed Wiring</i>	
				(i) Braided & 250/ } compounded 440 V } (ii) Tough rub- 250/ } ber sheathed 440 V } (iii) Weather- 250/ } proof 440 & 650/1 100 V } (iv) Braided & 650/1 } compounded 100 V } Copper only	(i) IS: 434 (Part I)-1964 Specification for rubber insulated cables with copper conductors (revised) (ii) IS: 434 (Part II)-1964 Specification for rubber insulated cables with aluminium conductors (revised)

(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Type	Voltage Conduc- Grade tor	
				(v) Tough rub- ber sheathed 100 V	Copper only	
				(b) <i>VIR Flexible Cords</i>		
				(vi) Tough rub- ber sheathed		
				(vii) Twisted twin and braided		
				(viii) Workshop 250/ type unkink- 440 V	Copper able	
				(ix) Circular twin and braided		
26. CM/L-570 23-8-1963	21-9-65	15-9-66	M/s. Radio & Electricals Manu- facturing Co. Ltd., Post Bag No. 16, Mysore Road, Banga- lore-18.	(a) <i>PVC Insulated Cables</i>		
				(i) Single core 200/440 (unsheathed) & 650/1	Copper or 100 V aluminum	(i) IS: 694 (Part I)-1964 Speci- fication for PVC insulated cables (for voltages up to 100 V) with copper con- ductors (revised)
				(ii) Circular 650/1 twin, three 100 V	Alumi- num only	
				(iii) Flat twin 650/1 with or 100 V	Copper or alumini- um	
				without earth continuity conduc- tor (PVC sheathed)		

				(b) <i>PVC Insulated Flexible Cords</i>	
27	CM/L-572 27-8-1963	1-10-65	30-9-66	(iv) Twin 250/ Copper twisted (un- 440 V only sheathed)	(ii) IS: 694 (Part II)-1966 Specification for PVC insulated cables (for voltages up to 1 100 V) with aluminium conductors (revised).
28	CM/L-573 29-8-1963	1-10-65	30-9-66	M/s. Flintrock Products Pvt. Ltd., Belvedere Road, Mazagaon, Bombay-10. Endrin emulsifiable concentrates	IS: 1310-1958 Specification for endrin emulsifiable concentrates.
29	CM/L-575 30-8-1963	1-10-65	30-9-68	M/s. Nestle's Products (India) Ltd., Link House, 3 Bahadur Shah Zafar Marg, New Delhi-1 (Factory at Ludhiana-Ferozepur Link Road, Near Kingwah Canal, Moga (Punjab) Under the style of M/s. Food Specialities Ltd.) Condensed milk, full-cream sweetened.	IS: 1166-1957 Specification for Condensed Milk.
30	CM/L-576 30-8-1963.	1-10-65	30-9-68	M/s. Hindustan Steel Ltd., Bhilai Steel Plant, Bilai-1, Distt. Durg (Madhya Pradesh) having their Registered Office at P.O. Hinoo, Ranchi. Structural steel (fusion welding quality).	IS: 2062-1962 Specification for structural steel (fusion welding quality).
31	CM/L-577 11-9-1965	1-10-56	30-9-66	M/s. Bharat Pulverising Mills (Pvt.) Ltd., 1074, Thiruvottiyur High Road, Madras-19 Parathion emulsifiable concentrates.	IS: 2129-1962 Specification for parathion emulsifiable concentrates
32	CM/L-578 11-9-1963	15-9-65	15-9-66	M/s. National Electrical Industries Ltd., Industrial Estate, Lalbaug, Bombay-12. Three phase induction motors upto 10 horse power only.	IS: 325-1961 Specification for three phase induction motors (second revision).
33	CM/L-579 11-9-1963	1-10-65	30-9-66	M/s. Dhirendra Metal Works, 7/1 Benaras Road, Salkia, Howrah. Wrought aluminium utensils, grade SIC.	IS: 21-1959 Specification for wrought aluminium and aluminium alloys for utensils (second revision).

(1)	(2)	(3)	(4)	(5)	(6)	(7)	
34.	CM/L-581 13-9-1963	.	1-10-65	30-9-66	M/s. Flintrock Products Pvt. Ltd., Belvedere Road, Mazagaon, Bombay-10.	BHC water dispersible powder concentrates.	IS: 562-1962 Specification for BHC water dispersible powder concentrates (second revision).
35.	CM/L-585 24-9-1963	.	1-10-65	30-9-66	M/s. Annapurna Pulverising Mills, Industrial Estate, Eluru (W.G. Distt.) A.P.	DDT dusting powders.	IS: 564-1961 Specification for DDT dusting powders (revised).
36.	CM/L-758 14-8-1964	.	1-10-65	30-9-66	The Bharat Carbon & Ribbon Mfg. Co. Ltd., Plot No. 66A, Industrial Area, Faridabad Township (Punjab) having their office at N-75, Bombay Life Building, Connaught Circus, New Delhi.	Carbon paper for type-writers types I & III.	IS: 1551-1959 Specification for carbon papers for typewriters.
37.	CM/L-759 19-8-1964	.	1-9-65	31-8-66	M/s. Indian Cable & Wire Industries, C 32/34 Industrial Estate, Guindy, Madras-32.	Type Voltage Con- Grade duc tor	<i>VIR Cables for Fixed Wiring</i> : IS: 434 (Part I)-1964 Specification for rubber insulated cables with copper conductors (revised). (i) TRS (tough rubber 250/ 440 V Copper only compounded 440 & 650/1 100 V
38.	CM/L-760 21-8-1964	.	16-9-65	15-9-66	M/s. Berco Welding & Electrical Equipment Mfg. Co. Railway Road, Jullundur City.	Arc Welding transformers, single operator type, 400 volts up to 350 Amps, max continuous hand welding current.	IS: 1851 (Part-D)-1961 Specification for arc welding transformers Part I : single operator type.
39.	CM/L-774 24-8-1964	.	16-9-65	15-9-66	M/s. Angelo Brothers Ltd., 7, Ram Gopal Ghose Road, Cossipore, Calcutta-2.	Shellac machine made grades D-1, D-2, I, II, III & IV.	IS: 16-1956 Specification for shellac (revised).
40.	CM/L-775 24-8-1964	.	16-9-65	15-9-66	M/s. Angelo Brothers Ltd., 7, Ram Gopal Ghose Road, Cossipore, Calcutta-2.	Bleached lac surface dry.	IS: 17-1956 Specification for bleached lac (revised).

41	CM/L-777 26-8-1964	16-9-65	15-9-66	M/s. Vijaya Traders, Karman- ghat Palace, Hyderabad having their office at Ashok Nagar, Hyderabad-20.	Water meters (domestic type) 15 mm, 20 mm and 25 mm sizes.	IS : 779-1961 Specification for water meters (domestic type) (revised).
42	CM/L-780 10-9-1964	16-9-65	15-9-66	M/s. S.R. Sharma & Sons., 140 Rai Bahadur R.N. Guha Road, Dum Dum, Calcutta-28 having their office at 85 Netaji Subhas Road, Calcutta-1.	Brass ball valves (horizontal plunger type) 15 mm size.	IS : 1703-1962 Specification for ball valves (horizontal plun- ger type) including floats for water supply purposes.
43	CM/L-782 17-9-1964	1-10-65	30-9-66	M/s. Hindustan Wires Ltd., B.T. Road, P.O. Suckchar, Distt. 24 Parganas, West Bengal having their Regd. office at 16/5 Chowringhee Road, Calcutta-13.	Plain hard-drawn steel wire for prestressed concrete.	IS : 1785-1961 Specification for plain hard-drawn steel wire for prestressed concrete.
44	CM/L-783 22-9-1964	1-10-65	30-9-66	M/s. Bharat Pulverising Mills, Pvt. Ltd., Hexamar House, 28-A Sayani Road, Bombay-28.	Aldrin dusting powders.	IS : 1308-1958 Specification for aldrin dusting powders.
45	CM/L-784 22-9-1964	1-10-65	30-9-66	M/s. Bharat Pulverising Mills Pvt. Ltd., Hexamar House, 28-A Sayani Road, Bombay-28.	Formulations based on phenyl mercury acetate.	IS : 2357-1963 Specification for formulations based on phenyl mercury acetate.
46	CM/L-785 22-9-1964	1-10-65	30-9-66	M/s. Art Leather Private Ltd., Bhor having their registered office at Sir Vithaldas Cham- bers, 16, Apollo Street, Fort, Bombay-1.	Tracing cloth	IS : 2037-1962 Specification for tracing cloth.
47	CM/L-793 30-9-1964	1-10-65	30-9-66	M/s. National Steel Works Ltd., Warden House, (First Floor), Sir Firozeshah Mehta Road, Fort, Bombay.	Structural steel (standard quality)	IS : 226-1962 Specification for structural steel (standard qual- ity) (third revision).
48	CM/L-794 30-9-1964	1-10-65	30-9-66	M/s. National Steel Works Ltd., Warden House, (First Floor), Sir Firozeshah Mehta Road, Fort, Bombay.	Structural steel (ordinary quality)	IS : 1977-1962 Specification for structural steel (ordinary quality).
49	CM/L-795 30-9-1964	1-10-65	30-9-66	M/s. Prakash Engineering Co., & Rolling Mills, Freeganj, Agra City.	Structural steel (standard quality)	IS : 226-1962 Specification for structural steel (standard quality) (third revision).
50	CM/L-796 30-9-64	1-10-65	30-9-66	M/s. Prakash Engineering Co., & Rolling Mills, Freeganj, Agra City.	Structural steel (ordinary quality)	IS : 1977-1962 Specification for structural steel (ordinary quality).

(1)	(2)	(3)	(4)	(5)	(6)	(7)
51. CM/L-797 30-9-1964	I-10-65	30-9-66	M/s. Rathi Brothers, Loni Road, Shahdara, Delhi-32.	Structural steel (standard quality) tested steel sections of the following sizes only : (i) Rounds and squares 6 mm to 32 mm ($\frac{1}{4}$ inch to $1\frac{1}{8}$ inch). (ii) Flats—Width—12.7 mm to 76 mm ($\frac{1}{2}$ inch to 3 inch) thickness—3 mm to 19 mm ($\frac{1}{8}$ inch to $3\frac{1}{4}$ inch). (iii) Angles—50 mm \times 50 mm \times 6 mm maxm. (2 inch \times 2 inch \times $\frac{1}{4}$ inch maxm).	IS : 226-1962 Specification for structural steel (standard quality) (third revision).	
52. CM/L-798 30-9-1964	I-10-65	30-9-66	M/s. Rathi Brothers, Loni Road, Shahdara, Delhi-32.	Structural steel (ordinary quality) tested steel sections of the following sizes only : (i) Rounds and squares 6 mm to 32 mm ($\frac{1}{4}$ inch to $1\frac{1}{8}$ inch). (ii) Flats—width—12.7 mm to 76 mm ($\frac{1}{2}$ inch to 3 inch), thickness—3 mm to 19 mm ($\frac{1}{8}$ inch to $\frac{1}{4}$ inch). (iii) Angles—50 mm \times 50 mm \times 6 mm maxm. (2 inch \times 2 inch \times $\frac{1}{4}$ inch maxm).	IS : 1977-1962 Specification for structural steel (ordinary quality).	

[No. MD/33:16/A.]

D.V. KARMARKAR,
Joint Director (Marks).